

1                                   IN THE UNITED STATES DISTRICT COURT  
2                                   FOR THE DISTRICT OF HAWAII  
3  
4           UNITED STATES OF AMERICA,       )  
5                                   Plaintiff,       )  
6                                   vs.       )  
7           MICHAEL J. MISKE, JR.,       )  
8                                   Defendant.       )  
                                  \_\_\_\_\_ )

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10                               TRANSCRIPT OF JURY TRIAL (DAY 22)  
11                               BEFORE THE HONORABLE DERRICK K. WATSON,  
12                               CHIEF UNITED STATES DISTRICT COURT JUDGE

13 APPEARANCES:

14 For the Plaintiff:                   MARK INCIONG, ESQ.  
15                                       MICHAEL DAVID NAMMAR, ESQ.  
16                                       WILLIAM KE AUPUNI AKINA, ESQ.  
17                                       AISLINN AFFINITO, ESQ.  
18                                       Office of the United States Attorney  
19                                       PJKK Federal Building  
20                                       300 Ala Moana Boulevard, Suite 6100  
21                                       Honolulu, Hawaii 96850

22 For the Defendant:                 LYNN E. PANAGAKOS, ESQ.  
23                                       841 Bishop St., Ste 2201  
24                                       Honolulu, HI 96813  
25                                       MICHAEL JEROME KENNEDY, ESQ.  
                                      Law Offices of Michael Jerome  
                                      Kennedy, PLLC  
                                      333 Flint Street  
                                      Reno, NV 89501

Official Court Reporter:           Gloria T. Bediamol, RPR RMR CRR FCRR  
United States District Court  
300 Ala Moana Boulevard  
Honolulu, Hawaii 96850

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## I N D E X

GOVERNMENT WITNESS:PAGE NO.

KAULANA FREITAS (CONTINUED EXAMINATION)

RESUMED DIRECT EXAMINATION BY MR. INCIONG  
CROSS-EXAMINATION BY MR. KENNEDY

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1 February 16, 2024 8:44 a.m.

08:44AM 2 THE CLERK: Criminal Number 19-00099-DKW-KJM, United

08:44AM 3 States of America versus Michael J. Miske, Jr.

08:44AM 4 This case has been called for jury trial, day 22.

08:44AM 5 Counsel please make your appearances for the record.

08:44AM 6 MR. INCIONG: Good morning, Your Honor, Mark Inciong,

08:44AM 7 Michael Nammar and KeAupuni Akina for the United States. Also

08:44AM 8 present with us again is our paralegal Kari Sherman and FBI

08:44AM 9 Special Agent Thomas Palmer.

08:44AM 10 THE COURT: Good morning.

08:44AM 11 MR. KENNEDY: Good morning, Your Honor, Michael

08:44AM 12 Kennedy with Lynn Panagakos, Michael Miske, Ashley King and

08:44AM 13 Josh Barry. Good morning to you and good morning to you.

08:44AM 14 THE COURT: Good morning to your group as well,

08:44AM 15 Mr. Kennedy. You may be seated.

08:44AM 16 Good morning to the 17 persons on our jury. Happy as

08:44AM 17 they say aloha Friday and good morning to you, Mr. Freitas, as

08:44AM 18 well.

08:44AM 19 Mr. Freitas, although we will not ask you to retake

08:44AM 20 the oath that you started your testimony with, I will remind

08:44AM 21 you that you remain subject to that oath. Do you understand

08:45AM 22 that.

08:45AM 23 THE WITNESS: I understand.

08:45AM 24 THE COURT: All right. Mr. Inciong, you may continue

08:45AM 25 with your direct examination of Mr. Freitas when you're ready.

08:45AM 1 MR. INCIONG: Thank you, Your Honor.

08:45AM 2 KAULANA FREITAS,

08:45AM 3 (Having been previously sworn, resumed the stand.)

08:45AM 4 RESUMED DIRECT EXAMINATION

08:45AM 5 BY MR. INCIONG:

08:45AM 6 Q Good morning, Mr. Freitas.

08:45AM 7 A Good morning.

08:45AM 8 Q When we left off yesterday, you had described two

08:45AM 9 incidents in which Mr. Miske had directed you to act. Do you

08:45AM 10 recall that?

08:45AM 11 A Yes.

08:45AM 12 Q The first of those was the chemical weapon attack,

08:45AM 13 correct?

08:45AM 14 A Yes.

08:45AM 15 Q Was that one of the racketeering acts that you admitted to

08:45AM 16 in your plea agreement?

08:45AM 17 A Yes.

08:45AM 18 Q Did I understand you correctly that that was something you

08:45AM 19 did not want to do? You did not want to drop the -- what was

08:45AM 20 called the tear gas to you in the club?

08:45AM 21 A Yes, that's correct.

08:45AM 22 Q Did you ever receive any payment or other benefit from

08:45AM 23 Mr. Miske or anyone else for doing that?

08:45AM 24 A No payment.

08:45AM 25 Q Second incident you described was the assault that

08:45AM 1 occurred at the Wendy's parking lot?

08:45AM 2 A Yes.

08:45AM 3 Q You also said that you were not paid or compensated in any  
08:45AM 4 way for that, correct?

08:45AM 5 A No.

08:45AM 6 Q Did you want to commit that assault?

08:45AM 7 A No.

08:46AM 8 Q Why not?

08:46AM 9 A Because I don't think that's right.

08:46AM 10 Q So my question --

08:46AM 11 MR. KENNEDY: Your Honor, I would renew my request for  
08:46AM 12 a limiting instruction since --

08:46AM 13 THE COURT: And I renew my same ruling. Overruled.  
08:46AM 14 Go ahead.

08:46AM 15 Q Mr. Freitas, so my question is: Why were you doing these  
08:46AM 16 things if you didn't want to?

08:46AM 17 A Because he was my cousin, I was doing what I was told.

08:46AM 18 Q Was it simply that he was your cousin and that you were  
08:46AM 19 doing what you were told or was there more to it than that?

08:46AM 20 A It was a little more to that.

08:46AM 21 Q Was it important for you to keep Mr. Miske happy?

08:46AM 22 A Yes.

08:46AM 23 Q Why was that?

08:46AM 24 A Because there was benefits to making him happy.

08:47AM 25 Q What kinds of benefits are you referring to?

08:47AM 1 A More job opportunities.

08:47AM 2 Q Okay. Anything else?

08:47AM 3 A No.

08:47AM 4 Q Was there any sort of financial benefit to you?

08:47AM 5 A Yes.

08:47AM 6 Q Describe how you received any financial benefit.

08:47AM 7 A Would be more jobs, more -- more opportunities to make  
08:47AM 8 more money.

08:47AM 9 Q What about any sort of I guess what you referred to as  
08:47AM 10 perks or things you would get for free that you might not  
08:47AM 11 otherwise get?

08:47AM 12 A Yes.

08:47AM 13 Q What were those?

08:47AM 14 A He said, "An incident is going to the night club. We'll  
08:47AM 15 have free drinks and stuff" --

08:47AM 16 THE COURT REPORTER: Sir, can I -- can I get you to  
08:47AM 17 speak up a little more, please?

08:47AM 18 THE WITNESS: Yes. There would be -- there would be  
08:47AM 19 more benefits of going to a nightclub not having to pay for  
08:48AM 20 anything like that.

08:48AM 21 BY MR. INCIONG:

08:48AM 22 Q Which nightclub are you referring to?

08:48AM 23 A M Nightclub.

08:48AM 24 Q Did you frequent the M Nightclub regularly?

08:48AM 25 A Yes.

08:48AM 1 Q How often would you go?

08:48AM 2 A Every weekend.

08:48AM 3 Q Who would you go to the M Nightclub with?

08:48AM 4 A My cousin John Stancil.

08:48AM 5 Q Over what period of time would you go every weekend?

08:48AM 6 A Since 2015, '14.

08:48AM 7 Q More than a year?

08:48AM 8 A More than a year.

08:48AM 9 Q Two years?

08:48AM 10 A Yes.

08:48AM 11 Q Every weekend for two years? Is that a yes?

08:48AM 12 A Yes.

08:48AM 13 Q Did you ever have to pay for anything when you were at the

08:48AM 14 club?

08:48AM 15 A No, I didn't.

08:48AM 16 Q No cover charge?

08:48AM 17 A No cover charge.

08:48AM 18 Q No -- no drinks that were charged to you?

08:48AM 19 A No.

08:48AM 20 Q Did you ever eat there?

08:48AM 21 A Yes.

08:48AM 22 Q Ever charged for food?

08:48AM 23 A No.

08:48AM 24 Q Why do you think you were allowed to eat and drink for

08:49AM 25 free at the M Nightclub?

08:49AM 1 A Because I was family.

08:49AM 2 Q Was that part of the reason you were doing these things  
08:49AM 3 like dropping the tear gas and -- and committing the assaults  
08:49AM 4 because you wanted to keep those benefits?

08:49AM 5 A Yes.

08:49AM 6 Q You worked with Mr. Miske closely for an extended period  
08:49AM 7 of time, correct?

08:49AM 8 A Yes.

08:49AM 9 Q Did you become aware from your dealings with him and the  
08:49AM 10 dealings with the various businesses you had whether he had any  
08:49AM 11 reputation in the community?

08:49AM 12 A Yes.

08:49AM 13 Q What was his reputation?

08:49AM 14 A He was known as a business man and -- and he was feared.

08:49AM 15 Q Did you benefit in any way from either of those  
08:49AM 16 reputations?

08:49AM 17 A Yes.

08:49AM 18 Q Starting with his reputation as a business man, how did  
08:49AM 19 you benefit from that?

08:49AM 20 A Getting more job opportunities.

08:49AM 21 Q His reputation for being feared, how did you benefit from  
08:49AM 22 that?

08:49AM 23 A His protection.

08:49AM 24 Q Did you take advantage of that?

08:50AM 25 A Yes.



08:50AM 1 Q How so?

08:50AM 2 A By doing other acts.

08:50AM 3 Q Such as?

08:50AM 4 A Robberies.

08:50AM 5 Q Anything else?

08:50AM 6 A And drug dealings.

08:50AM 7 Q Okay. So let's start with the robberies first. You were

08:50AM 8 committing robberies of just random individuals or who were you

08:50AM 9 targeting, if anyone?

08:50AM 10 A Some was going to be random and some I knew.

08:50AM 11 Q Who were you committing these robberies with, if anyone?

08:50AM 12 A Once was with John Stancil.

08:50AM 13 Q Was Mr. Miske aware of these robberies in advance?

08:50AM 14 A No.

08:50AM 15 Q Did he become aware of any of them after the fact?

08:50AM 16 A Yes.

08:50AM 17 Q We'll talk more about that in a moment. But as far as

08:51AM 18 drug distribution, what kind of drugs were you distributing?

08:51AM 19 A Oxycodone.

08:51AM 20 Q Was Mr. Miske aware of that?

08:51AM 21 A No.

08:51AM 22 Q How did you benefit from his protection, as you said, when

08:51AM 23 you were dealing drugs?

08:51AM 24 A Everybody knew that I was Mike Miske's little cousin.

08:51AM 25 Q Did you feel like that meant you -- they -- people would

08:51AM 1 not cause retribution on you that they might otherwise have?

08:51AM 2 A Yes.

08:51AM 3 Q Was it -- was it important for you to maintain all of

08:51AM 4 those various benefits and protections you described?

08:51AM 5 A Yes.

08:51AM 6 Q Is that why in -- at least in part you were committing

08:51AM 7 these acts that you've told us about so far today -- or

08:51AM 8 yesterday?

08:51AM 9 A Yes.

08:51AM 10 Q Okay. And then you mentioned that you had committed at

08:52AM 11 least one --

08:52AM 12 THE COURT REPORTER: I didn't hear the answer.

08:52AM 13 THE WITNESS: Yes.

08:52AM 14 BY MR. INCIONG:

08:52AM 15 Q You mentioned you had -- you had committed at least one of

08:52AM 16 the robberies with John Stancil?

08:52AM 17 A Yes.

08:52AM 18 Q All right. Anyone else that you at least discussed

08:52AM 19 robberies with?

08:52AM 20 A Jake Smith and Chad Duncan.

08:52AM 21 Q And you've mentioned Jake Smith a few time before. Did --

08:52AM 22 were you aware did Mr. Smith ever work for Mr. Miske?

08:52AM 23 A Not on paycheck, pay roll.

08:52AM 24 Q What do you mean by that?

08:52AM 25 A He never worked for any of the companies.

08:52AM 1 Q Was he paid by Mr. Miske, if you're aware, for any other

08:52AM 2 reason?

08:52AM 3 A Yes.

08:52AM 4 Q What was he paid for?

08:52AM 5 A Assaults.

08:52AM 6 Q How did you know about that?

08:52AM 7 A Because I was close with Jake Smith and he would tell me.

08:52AM 8 Q Okay. Jake Smith would -- would commit assaults for money

08:52AM 9 for Mr. Miske?

08:52AM 10 A Yes.

08:52AM 11 Q Who was involved, if anyone, with your oxycodone

08:53AM 12 distribution?

08:53AM 13 A Jake Smith.

08:53AM 14 Q Same Jake Smith?

08:53AM 15 A Yes.

08:53AM 16 Q So you mentioned the M Nightclub that you were hanging out

08:53AM 17 there for quite a bit for about two years, correct?

08:53AM 18 A Yes.

08:53AM 19 Q Was it shortly after you had returned, moved back to

08:53AM 20 Hawaii from the mainland?

08:53AM 21 A Yes.

08:53AM 22 Q Is that when you were kind of reacquainting yourself with

08:53AM 23 your cousin John Stancil and other family?

08:53AM 24 A Yes.

08:53AM 25 Q Was there anyone else that you went to the M club

08:53AM 1 regularly with other than Mr. Stancil?

08:53AM 2 A Isaiah.

08:53AM 3 Q Who is Isaiah?

08:53AM 4 A Isaiah Bush.

08:53AM 5 Q Was he just a friend, family, co-worker? Who is he?

08:53AM 6 A He's a friend.

08:53AM 7 MR. INCIONG: Could I show Mr. Freitas as well as the  
08:53AM 8 jury, please, Exhibit 4-60, 6-0, which has been previously  
08:54AM 9 admitted?

08:54AM 10 THE COURT: Go ahead, yes.

08:54AM 11 MR. INCIONG: Thank you, Your Honor.

08:54AM 12 BY MR. INCIONG:

08:54AM 13 Q Do you see that map that's shown in Exhibit 4-60,  
08:54AM 14 Mr. Freitas?

08:54AM 15 A Yes.

08:54AM 16 Q Can you see on that map where the -- the M or also known  
08:54AM 17 as Encore Nightclub was -- is located or was located I should  
08:54AM 18 say?

08:54AM 19 A Yes.

08:54AM 20 Q Could you just draw an X or circle approximately where you  
08:54AM 21 recall it being located? Okay. So you've drawn a circle or a  
08:54AM 22 mark there that's approximately the intersection of Punchbowl  
08:54AM 23 and Ala Moana Boulevard?

08:55AM 24 A Yes.

08:55AM 25 Q Is that also known as Restaurant Row, that area in

08:55AM 1 general?

08:55AM 2 A Yes.

08:55AM 3 Q All right. That's where the -- the club was where you

08:55AM 4 were going?

08:55AM 5 A Yes.

08:55AM 6 Q All right.

08:55AM 7 MR. INCIONG: Could we show Mr. Freitas and the jury

08:55AM 8 Exhibit 4-61 next, please?

08:55AM 9 THE COURT: You may.

08:55AM 10 MR. INCIONG: Thank you, Your Honor.

08:55AM 11 BY MR. INCIONG:

08:55AM 12 Q Do you recognize what's shown in this photo?

08:55AM 13 A Yes.

08:55AM 14 Q How do you recognize that?

08:55AM 15 A That's the row bar.

08:55AM 16 Q Where is that located in -- in proximity to the M or

08:55AM 17 Encore Nightclub?

08:55AM 18 A In front of the main entrance.

08:55AM 19 Q Okay.

08:55AM 20 MR. INCIONG: Could we show Mr. Freitas and the jury

08:55AM 21 4-62 also previously admitted, please?

08:55AM 22 THE COURT: Yes.

08:55AM 23 BY MR. INCIONG:

08:55AM 24 Q Do you recognize what's shown here, Mr. Freitas?

08:55AM 25 A Yes.

08:55AM 1 Q What does that show?

08:55AM 2 A The outside of the M Nightclub.

08:55AM 3 MR. INCIONG: Okay. Your Honor, may I approach

08:55AM 4 Mr. Freitas with a physical exhibit? It's Exhibit 1-632.

08:56AM 5 THE COURT: Yes.

08:56AM 6 MR. INCIONG: Thank you, Your Honor.

08:56AM 7 BY MR. INCIONG:

08:56AM 8 Q Mr. Freitas, I just placed in front of you what's been

08:56AM 9 marked as Exhibit 1-632. Have you seen that item before?

08:56AM 10 A Yes.

08:56AM 11 Q How do you recognize that?

08:56AM 12 A It's my old phone that I thought I lost.

08:56AM 13 Q Okay. Did you have a chance to examine the -- the

08:56AM 14 contents of that phone as well?

08:56AM 15 A Yes.

08:56AM 16 Q Did you recognize the contents of that phone?

08:57AM 17 A Yes.

08:57AM 18 Q Does that -- did that match up with the -- your

08:57AM 19 recollection of the phone that you thought you lost?

08:57AM 20 A Yes.

08:57AM 21 MR. INCIONG: Your Honor, I would move to admit

08:57AM 22 Exhibit 1-632.

08:57AM 23 THE COURT: Any objection or issues, Counsel?

08:57AM 24 MR. KENNEDY: On the exhibit -- it looks like it shows

08:57AM 25 a photo here. It's the actual phone is there.

08:57AM 1 MR. INCIONG: It's -- yeah, sorry about that.

08:57AM 2 MR. KENNEDY: Okay.

08:57AM 3 MR. INCIONG: I think on the -- the earlier list I  
08:57AM 4 thought we were going to replace that today but it says photo.  
08:57AM 5 It's supposed to be the actual phone itself.

08:57AM 6 MR. KENNEDY: No objection, Your Honor. I'm just  
08:57AM 7 making certain we don't have a duplicate.

08:57AM 8 THE COURT: Yes. So without objection, 1-632 is  
08:57AM 9 admitted. It is the phone. I know the exhibit list says photo  
08:57AM 10 but I understand that that is not accurate.

08:57AM 11 (Exhibit 1-632 was received in evidence.)

08:57AM 12 MR. INCIONG: Thank you, Your Honor.

08:57AM 13 BY MR. INCIONG:

08:57AM 14 Q Mr. Freitas, I should also have asked did you actually  
08:57AM 15 mark or initial that phone anywhere to show that you identified  
08:57AM 16 it when you previously viewed it before coming to court today?

08:58AM 17 A Yes.

08:58AM 18 Q What date did you initial that phone?

08:58AM 19 A 2/7/24.

08:58AM 20 Q Do you recognize your handwriting and your initials as  
08:58AM 21 well?

08:58AM 22 A Yes.

08:58AM 23 Q Okay. Now, in that phone, were there a number of photos  
08:58AM 24 that you recognized as well?

08:58AM 25 A Yes.

08:58AM 1 MR. INCIONG: Could we pull up for Mr. Freitas only

08:58AM 2 Exhibit 1-638 at this time, please?

08:58AM 3 BY MR. INCIONG:

08:58AM 4 Q Mr. Freitas, do you recall going through this list of --

08:58AM 5 I'll refer to them as thumbnails of different photographs that

08:58AM 6 were found on that phone?

08:58AM 7 A Yes.

08:58AM 8 Q Did you recognize those various photographs?

08:58AM 9 A Yes.

08:58AM 10 MR. INCIONG: Can we show Mr. Freitas only please

08:58AM 11 Exhibit 1-639?

08:58AM 12 BY MR. INCIONG:

08:58AM 13 Q Do you recognize this photograph, Mr. Freitas?

08:59AM 14 A Yes.

08:59AM 15 Q Is that one of the photos that you identified and

08:59AM 16 recognized on your old cell phone?

08:59AM 17 A Yes.

08:59AM 18 Q Do you recognize the individuals that are in this photo?

08:59AM 19 A Yes.

08:59AM 20 Q Does this photo accurately show each of those individuals?

08:59AM 21 A Yes.

08:59AM 22 Q Do you recall where this photo was taken?

08:59AM 23 A M Nightclub.

08:59AM 24 Q Does this photo accurately show the -- the setting being

08:59AM 25 at the M Nightclub as well?



08:59AM 1 A Yes.

08:59AM 2 MR. INCIONG: Your Honor, I would move to admit

08:59AM 3 Exhibit 1-639.

08:59AM 4 THE COURT: Any objection?

08:59AM 5 MR. KENNEDY: No objection.

08:59AM 6 THE COURT: Without objection 1-639 is admitted. You

08:59AM 7 may publish.

08:59AM 8 MR. INCIONG: Thank you, Your Honor.

08:59AM 9 (Exhibit 1-639 was received in evidence.)

08:59AM 10 BY MR. INCIONG:

08:59AM 11 Q So, Mr. Freitas, the jury can now see Exhibit 1-639

08:59AM 12 starting from the left and moving to the right, could you

08:59AM 13 identify everybody in the photo, please?

08:59AM 14 A John Stancil, me, Caleb Miske and Isaiah Bush.

08:59AM 15 Q John Stancil is your cousin that you said was the one you

08:59AM 16 were primarily going to the M Nightclub with during this time?

09:00AM 17 A Yes.

09:00AM 18 Q Did you see or socialize with Caleb Miske there

09:00AM 19 frequently?

09:00AM 20 A He would come here and there.

09:00AM 21 Q What about Mr. Bush?

09:00AM 22 A Yes.

09:00AM 23 MR. INCIONG: All right. Could we next show

09:00AM 24 Mr. Freitas Exhibit 1-640, please?

09:00AM 25 BY MR. INCIONG:

09:00AM 1 Q Mr. Freitas, do you recognize what's shown in this photo?

09:00AM 2 A Yes.

09:00AM 3 Q Do you recognize the individuals shown in that photo?

09:00AM 4 A Yes.

09:00AM 5 Q And do you recognize where that photo was taken?

09:00AM 6 A Yes.

09:00AM 7 Q Was this another photo from the phone that you just

09:00AM 8 identified a few moments ago?

09:00AM 9 A Yes.

09:00AM 10 Q Does this accurately show each of those individuals and

09:00AM 11 the location as you recall?

09:00AM 12 A Yes.

09:00AM 13 MR. INCIONG: Your Honor, I would move to admit 6,

09:00AM 14 dash -- I'm sorry, 1-640.

09:00AM 15 THE COURT: Mr. Kennedy, any objection?

09:00AM 16 MR. KENNEDY: No objection, Your Honor.

09:00AM 17 THE COURT: Without objection 1-640 is admitted. You

09:00AM 18 may publish.

09:00AM 19 MR. INCIONG: Thank you, Your Honor.

09:00AM 20 (Exhibit 1-640 was received in evidence.)

09:01AM 21 BY MR. INCIONG:

09:01AM 22 Q And again, if you could, Mr. Freitas, starting from the

09:01AM 23 left and moving to right, could you identify whoever you

09:01AM 24 recognize in this photo?

09:01AM 25 A John Stancil, Jason Yokoyama, Mike Miske, Isaiah Bush, me

09:01AM 1 and Wayne Miller.

09:01AM 2 Q So Mr. Stancil you've already talked about. Jason

09:01AM 3 Yokoyama, how did you know him?

09:01AM 4 A He worked for the M Nightclub.

09:01AM 5 Q What was his position there as far as you knew?

09:01AM 6 A Manager.

09:01AM 7 Q You talked about Mr. Miske obviously, Mr. Bush, Mr. Miller

09:01AM 8 who's on the far right side. How did you know Mr. Miller?

09:01AM 9 A From Mike and John.

09:01AM 10 Q Did you ever socialize with Mr. Miller?

09:01AM 11 A Yes.

09:01AM 12 Q How would you describe your friendship or relationship

09:01AM 13 with him?

09:01AM 14 A We was -- we was good.

09:01AM 15 Q Did you socialize with him regularly or on an off?

09:01AM 16 A On an off.

09:02AM 17 MR. INCIONG: Okay. Could I show Mr. Freitas

09:02AM 18 Exhibit 1-641 next?

09:02AM 19 BY MR. INCIONG:

09:02AM 20 Q Mr. Freitas, do you recognize what's shown in this photo?

09:02AM 21 A Yes.

09:02AM 22 Q Do you recognize each of the individuals in the photo?

09:02AM 23 A Yes.

09:02AM 24 Q Do you recognize where the photo is taken?

09:02AM 25 A Yes.

09:02AM 1 Q Was this another photo taken off the phone that you just  
09:02AM 2 identified?

09:02AM 3 A Yes.

09:02AM 4 Q Does this photo accurately show the setting and the -- the  
09:02AM 5 individuals in it?

09:02AM 6 A Yes.

09:02AM 7 MR. INCIONG: Before I move to admit and publish that,  
09:02AM 8 Your Honor, can we show Mr. Freitas 1-642?

09:02AM 9 THE COURT: Go ahead.

09:02AM 10 BY MR. INCIONG:

09:02AM 11 Q Same questions, Mr. Freitas, do you recognize the  
09:02AM 12 individuals in this photo?

09:02AM 13 A Yes.

09:02AM 14 Q Do you recognize where that photo was taken?

09:02AM 15 A Yes.

09:02AM 16 Q Is this a photo that was on your old phone?

09:02AM 17 A Yes.

09:02AM 18 Q And does this photo accurately show those people and  
09:02AM 19 the -- the location?

09:02AM 20 A Yes.

09:02AM 21 MR. NAMMAR: Your Honor, I would move to admit  
09:02AM 22 Exhibits 1-641 and 1-642 at this time.

09:02AM 23 THE COURT: Any -- and objection, counsel, To either?

09:03AM 24 MR. KENNEDY: No objection to either 64 -- 1-641 or  
09:03AM 25 1-642, Your Honor.

09:03AM 1 THE COURT: All right. Without objection those two

09:03AM 2 exhibits then are admitted 1-641 and 1-642.

09:03AM 3 MR. INCIONG: Thank you, Your Honor.

09:03AM 4 THE COURT: You may publish either or both.

09:03AM 5 MR. INCIONG: Thank you. So we can start with 642.

09:03AM 6 (Exhibits 1-641 and 1-642 were received in evidence.)

09:03AM 7 BY MR. INCIONG:

09:03AM 8 Q Mr. Freitas, could you identify everyone that you

09:03AM 9 recognize in this particular shot?

09:03AM 10 A Mike Miske, Michael Buntenbah, Allen Lau, Caleb Miske and

09:03AM 11 me.

09:03AM 12 Q So I think a name you haven't mentioned so far is Mike

09:03AM 13 Buntenbah, correct?

09:03AM 14 A Yes.

09:03AM 15 Q That's the person -- second person from the left next to

09:03AM 16 Mr. Miske?

09:03AM 17 A Yes.

09:03AM 18 Q How did you know Mr. Buntenbah?

09:03AM 19 A From Mike and John.

09:03AM 20 Q What was your relationship with him?

09:03AM 21 A On an off.

09:03AM 22 Q Did he work at the M or Encore Nightclub as far as you

09:03AM 23 knew?

09:03AM 24 A No.

09:03AM 25 Q Did he socialize there?

09:04AM 1 A Yes.

09:04AM 2 Q As much as you did?

09:04AM 3 A No.

09:04AM 4 Q And you said this is your uncle you mentioned or cousin

09:04AM 5 Mr. Lau?

09:04AM 6 A He's my cousin.

09:04AM 7 Q Okay. That's the person that's basically behind you to

09:04AM 8 the right?

09:04AM 9 A Yes.

09:04AM 10 Q Did you ever socialize with Mr. Lau at the M Nightclub?

09:04AM 11 A No. He doesn't really go out.

09:04AM 12 Q So this was a rare occasion that he was there?

09:04AM 13 A Yes.

09:04AM 14 Q All right.

09:04AM 15 MR. INCIONG: Okay. We can take that down for -- at

09:04AM 16 this time.

09:04AM 17 BY MR. INCIONG:

09:04AM 18 Q So on that same phone that you just identified a few

09:04AM 19 moments ago, did you also review a number of text exchanges

09:04AM 20 that were on that particular phone?

09:04AM 21 A Yes.

09:04AM 22 MR. INCIONG: Could we show Mr. -- could we show Mr.

09:04AM 23 Freitas Exhibit 1-636, please? I'm sorry, Your Honor, could we

09:05AM 24 go back. I -- I was just reminded I -- I failed to ask to have

09:05AM 25 1-641 published. We just looked at 1-642.

09:05AM 1 THE COURT: Yes, go ahead.

09:05AM 2 MR. INCIONG: Thank you.

09:05AM 3 BY MR. INCIONG:

09:05AM 4 Q So, Mr. Freitas, could you identify everybody that you can  
09:05AM 5 in Exhibit 1-641?

09:05AM 6 A Jason, Dusky Toledo, Isaiah Bush, Mike Miske, John Stancil  
09:05AM 7 and me.

09:05AM 8 Q Okay. Do you know the woman in the photo?

09:05AM 9 A No.

09:05AM 10 Q The person on the -- the first person you mentioned on the  
09:05AM 11 left, what did you say his name was?

09:05AM 12 A Jason.

09:05AM 13 Q Did you know his last name?

09:05AM 14 A No.

09:05AM 15 Q The person next to him, Dusky?

09:05AM 16 A Yes.

09:05AM 17 Q What was his -- Dusky's last name?

09:06AM 18 A Toledo.

09:06AM 19 Q How did you know Dusky Toledo?

09:06AM 20 A From Jason.

09:06AM 21 Q The Jason that's in this photo?

09:06AM 22 A Yes.

09:06AM 23 Q Did you know Mr. Toledo well?

09:06AM 24 A No, not well.

09:06AM 25 Q Did you have any sort of relationship with him?

09:06AM 1 A No.

09:06AM 2 Q He just happened to be there that night when you were at

09:06AM 3 the M?

09:06AM 4 A Yes.

09:06AM 5 Q Okay. Thank you.

09:06AM 6 MR. INCIONG: We can go back to Exhibit 1-636 to show

09:06AM 7 Mr. Freitas, please.

09:06AM 8 BY MR. INCIONG:

09:06AM 9 Q Mr. Freitas, we can scroll through this document if -- if

09:06AM 10 you need to, but do you recall reviewing this text chat

09:06AM 11 exchange from your old phone that you just identified a few

09:06AM 12 minutes ago?

09:06AM 13 A Yes.

09:06AM 14 Q Did you recognize those as being text messages that you

09:06AM 15 had sent and received?

09:06AM 16 A Yes.

09:06AM 17 MR. INCIONG: Your Honor, I would move to admit

09:07AM 18 Exhibit 1-636. The parties have stipulated to the foundation

09:07AM 19 and authenticity and Mr. Freitas has recognized the texts as

09:07AM 20 being those he received and sent from the phone that's been

09:07AM 21 previously admitted.

09:07AM 22 THE COURT: Any objection?

09:07AM 23 MR. KENNEDY: No objection.

09:07AM 24 THE COURT: 1-636 is admitted without objection. You

09:07AM 25 may publish it.



09:07AM 1 MR. INCIONG: Thank you, Your Honor.

09:07AM 2 (Exhibit 1-636 was received in evidence.)

09:07AM 3 BY MR. INCIONG:

09:07AM 4 Q So, Mr. Freitas, I'd like to go through a number of these  
09:07AM 5 chats or messages with you just to kind of have you explain the  
09:07AM 6 context of these chats. So if we could go to page two starting  
09:07AM 7 with the first bubble on the top. Do you see that that starts  
09:07AM 8 with, hey Bro?

09:07AM 9 A Yes.

09:07AM 10 Q So it reads, hey Bro, JS got arrested and we was moving  
09:07AM 11 his car to park it at the shop and stay a friend's house  
09:08AM 12 because guest parking only can park there at a certain time.

09:08AM 13 What was going on on this date which was April 21st of  
09:08AM 14 2015?

09:08AM 15 A Me and John was sleeping inside the -- his car his Nissan  
09:08AM 16 Maxima this night.

09:08AM 17 Q And you're -- and you're saying this is John Stancil?

09:08AM 18 A Yes.

09:08AM 19 Q Who were you sending this text to?

09:08AM 20 A To Mike.

09:08AM 21 Q And is that reflected in the -- the MM?

09:08AM 22 A Yes.

09:08AM 23 Q That's above that?

09:08AM 24 A Yes.

09:08AM 25 Q And the phone number associated with that is

09:08AM 1 (808) 439-5220?

09:08AM 2 A Yes.

09:08AM 3 Q That was a number that you would communicate with

09:08AM 4 Mr. Miske on?

09:08AM 5 A Yes.

09:08AM 6 Q Okay. Where were you sleeping in your -- in the car

09:08AM 7 exactly, if you recall?

09:08AM 8 A I was by the storage by Queen Street.

09:08AM 9 Q Is this near the Kama'aina Termite shop?

09:08AM 10 A Yes.

09:08AM 11 Q Why were you and Mr. Stancil sleeping in your car?

09:09AM 12 A Because we had nowhere else to stay.

09:09AM 13 Q This was April of 2015?

09:09AM 14 A Yes.

09:09AM 15 Q How long had you been back in Hawaii at that point

09:09AM 16 approximately?

09:09AM 17 A Probably a few years.

09:09AM 18 Q So why did you or Mr. Stancil not have a place to stay at

09:09AM 19 that time?

09:09AM 20 A We just didn't have a place to stay.

09:09AM 21 Q So you were sleeping in -- in a parking lot in -- in the

09:09AM 22 car?

09:09AM 23 A Yes.

09:09AM 24 Q Okay. What happened that caused you to send this text

09:09AM 25 message?

09:09AM 1 A John got arrested.

09:09AM 2 Q What was he arrested for?

09:09AM 3 A Outstanding warrants.

09:09AM 4 Q Do you recall -- did you know of the officer who arrested  
09:09AM 5 him?

09:09AM 6 A Yes.

09:09AM 7 Q How did you know the officer who arrested him?

09:09AM 8 A It was Spiker. He pretty much did that area. That was  
09:09AM 9 his district.

09:09AM 10 Q Had you had interactions with Officer Spiker before?

09:10AM 11 A Yes.

09:10AM 12 Q What kinds of interactions?

09:10AM 13 A I got pulled over twice by him.

09:10AM 14 Q You knew who he was?

09:10AM 15 A Yes.

09:10AM 16 Q Did you know him through any other means?

09:10AM 17 A No.

09:10AM 18 Q So when you told Mr. Miske in this text that he was  
09:10AM 19 arrested, did you ever relay to him later that it was  
09:10AM 20 specifically Officer Spiker who had made the arrest?

09:10AM 21 A I think I mentioned it to him.

09:10AM 22 Q So your next text message says, he got taken in for  
09:10AM 23 warrants and -- and told me to tell you if Alen can be there in  
09:10AM 24 the morning.

09:10AM 25 So was that where you were explaining why Mr. Stancil

09:10AM 1 had been arrested?

09:10AM 2 A Yes.

09:10AM 3 Q You referenced Alen there. Who is Alen?

09:10AM 4 A Alen Kaneshiro.

09:10AM 5 Q Who was Alen Kaneshiro?

09:10AM 6 A An attorney.

09:10AM 7 Q How did you know of Alen Kaneshiro?

09:10AM 8 A From Mike.

09:10AM 9 Q Have you ever dealt with or used Mr. Kaneshiro's services  
09:10AM 10 before?

09:10AM 11 A Yes.

09:10AM 12 Q How did that come about?

09:11AM 13 A I had some seven bench warrants for tickets for speeding,  
09:11AM 14 driving without a license.

09:11AM 15 Q How did you end up having Mr. Kaneshiro represent you for  
09:11AM 16 those?

09:11AM 17 A I'm sorry. Can you say that again?

09:11AM 18 Q Were you recommended to be -- to use Mr. Kaneshiro? How  
09:11AM 19 did you choose to retain him for those tickets?

09:11AM 20 A It was recommended.

09:11AM 21 Q By whom?

09:11AM 22 A By Mike.

09:11AM 23 Q That's Mike Miske?

09:11AM 24 A Yes.

09:11AM 25 Q So do you see the responses that Mr. Miske sent to you

09:11AM 1 later that evening on that same page? What time are you going

09:11AM 2 to be done. And then the following text, meet me as soon as

09:11AM 3 you're F'ing done. I need to talk with you once and for all.

09:11AM 4 A Yes.

09:11AM 5 Q Okay. Before I ask you about that, can we go to next

09:11AM 6 page, page three, in the top bubble there. This is a text that

09:11AM 7 Mr. Miske sent to you then also at the same time?

09:11AM 8 A Yes.

09:11AM 9 Q Tired of you three idiots always getting into shit?

09:12AM 10 A Yes.

09:12AM 11 Q So what did you believe Mr. Miske's attitude to be with

09:12AM 12 you at that time?

09:12AM 13 MR. KENNEDY: Objection, speculation, Your Honor.

09:12AM 14 THE COURT: Sustained.

09:12AM 15 BY MR. INCIONG:

09:12AM 16 Q From looking at his texts and knowing Mr. Miske from

09:12AM 17 working with him, did you believe you were in trouble with him?

09:12AM 18 A Yes.

09:12AM 19 Q And on the text we're looking at right now, it says, tired

09:12AM 20 of you three idiots.

09:12AM 21 Did you know who he was referring to?

09:12AM 22 A Yes.

09:12AM 23 Q Who was he referring to?

09:12AM 24 A Me, John Stancil and Jake Smith.

09:12AM 25 Q Were you aware of another of name that Mr. Miske would

09:12AM 1 refer to you three as?

09:12AM 2 A Three amigos.

09:12AM 3 Q The three amigos?

09:12AM 4 A Yes.

09:12AM 5 Q Do you know why he gave you that name?

09:12AM 6 A No.

09:12AM 7 Q All right. So then the next text you respond, okay, going  
09:13AM 8 to see if I can just go.

09:13AM 9 And then Mr. Miske responds to you saying, Alen is  
09:13AM 10 going to go this afternoon at 1:30. She gets in front of  
09:13AM 11 judge.

09:13AM 12 What did you understand that to mean?

09:13AM 13 A That Alen was going to show up for John.

09:13AM 14 Q Okay. All right. So if you could go down to the last  
09:13AM 15 blue bubble on the page three, do you see this text that  
09:13AM 16 Mr. Miske sent you on May 6th of 2015?

09:13AM 17 A Yes.

09:13AM 18 Q What was this text about?

09:13AM 19 Split the side view and the back view evenly where  
09:13AM 20 you're talking a picture of a corner, the corner of the vehicle  
09:13AM 21 would be the midpoint?

09:13AM 22 A It was vehicles for Hawai'i Partners vehicles.

09:13AM 23 Q So were these -- is this a reference to what you were  
09:13AM 24 describing yesterday where Mr. Miske would direct you what  
09:14AM 25 photos to take and what -- what verbiage to use on the ads to

09:14AM 1 sell the cars?

09:14AM 2 A Yes.

09:14AM 3 Q So you would -- there was legitimate business that you  
09:14AM 4 were doing with Mr. Miske during the time you were working for  
09:14AM 5 him, correct?

09:14AM 6 A Yes.

09:14AM 7 Q So the following page, if you go to page four. Those are  
09:14AM 8 a number of -- of texts that Mr. Miske sent you, correct?

09:14AM 9 A Yes.

09:14AM 10 Q And those are all in regard to posting ads to sell Hawai'i  
09:14AM 11 Partner vehicles?

09:14AM 12 A Yes.

09:14AM 13 Q Okay. So could we go to page five then? And do you see  
09:14AM 14 your responses to that?

09:14AM 15 Yep, doing that now.

09:14AM 16 A Yes.

09:14AM 17 Q So this is just again more exchanges listing those  
09:14AM 18 vehicles, correct?

09:14AM 19 A Yes.

09:14AM 20 Q All right. Let's go down now to page six, if we could, to  
09:15AM 21 the first blue bubble on page six. Do you see this text that  
09:15AM 22 Mr. Miske sent to you on May 9th of 2015?

09:15AM 23 A Yes.

09:15AM 24 Q Did he send it to anyone else besides you?

09:15AM 25 A Yes.

09:15AM 1 Q Who else did he send it to?

09:15AM 2 A John Stancil.

09:15AM 3 Q And that is the reference to John Blane in the two at the  
09:15AM 4 top of that?

09:15AM 5 A Yes.

09:15AM 6 Q Okay. So what is this text message about?

09:15AM 7 A Going to MLZ Wayne's birthday party at the Shore Bird.

09:15AM 8 Q The capital letters MLZ, that's the MLZ you referred to?

09:15AM 9 A Yes.

09:15AM 10 Q Who is MLZ?

09:15AM 11 A Wayne Miller.

09:15AM 12 Q The Wayne Miller is -- there was a birthday party for him  
09:15AM 13 at the Shore Bird that -- that evening?

09:15AM 14 A Yes.

09:15AM 15 Q Okay. What does -- what did this no social media part  
09:15AM 16 what did that mean to you?

09:15AM 17 A No social media, no posting pictures or anything on  
09:15AM 18 Instagram or any social media network.

09:16AM 19 Q Was that unusual or typical of Mr. Miske to say that?

09:16AM 20 A We just don't post none of that stuff on social media.

09:16AM 21 Q Why was that?

09:16AM 22 A Just no -- no social media.

09:16AM 23 Q Who directed that?

09:16AM 24 A Mike did.

09:16AM 25 Q The next text below that, he then texts both you and



09:16AM 1 Mr. Stancil again. Did you guys text MLZHBD?

09:16AM 2 What did that mean?

09:16AM 3 A Did you guys text Miller happy birthday?

09:16AM 4 Q Okay. So -- so reminding you to -- to text Miller happy  
09:16AM 5 birthday basically?

09:16AM 6 A Yes.

09:16AM 7 Q Okay.

09:16AM 8 MR. INCIONG: All right. Could we show Mr. Freitas  
09:16AM 9 Exhibit 1-637 next, please?

09:16AM 10 BY MR. INCIONG:

09:16AM 11 Q Mr. Freitas, this is another set of chats that were found  
09:16AM 12 on the -- the phone you identified earlier today. This --  
09:17AM 13 these are fairly lengthy, so take your time, if you need to,  
09:17AM 14 but if you go through these chat bubbles, are you able to  
09:17AM 15 recognize these various texts?

09:17AM 16 A Yes.

09:17AM 17 Q Did you review this entire text chain prior to coming to  
09:17AM 18 court today?

09:17AM 19 A Yes.

09:17AM 20 Q Did you recognize those as text messages that you sent and  
09:17AM 21 received from Mr. Miske that were on your old phone?

09:17AM 22 A Yes.

09:17AM 23 MR. INCIONG: Your Honor, I would move to admit  
09:17AM 24 Exhibit 1-637 at this time.

09:17AM 25 THE COURT: Mr. Kennedy, any issue?

09:17AM 1 MR. KENNEDY: No objection, Your Honor.

09:17AM 2 THE COURT: Okay. Without objection 1-637 is admitted  
09:17AM 3 and you may publish.

09:17AM 4 MR. INCIONG: Thank you, Your Honor.

09:17AM 5 (Exhibit 1-637 was received in evidence.)

09:17AM 6 BY MR. INCIONG:

09:17AM 7 Q So if we can start with the very first chat bubble. Is  
09:17AM 8 this a text message that you received from Mr. Miske back on  
09:17AM 9 June 1st of 2015?

09:17AM 10 A Yes.

09:17AM 11 Q And -- and -- was this an attachment or a -- a screenshot  
09:18AM 12 that was sent as a text?

09:18AM 13 A Yes.

09:18AM 14 MR. INCIONG: Could we go to that particular  
09:18AM 15 attachment, please, to show Mr. Freitas?

09:18AM 16 BY MR. INCIONG:

09:18AM 17 Q Is that the -- do you recognize that as the screenshot  
09:18AM 18 that was attached to that text message on June 1st of 2015?

09:18AM 19 A Yes.

09:18AM 20 Q Did you recognize what that is of?

09:18AM 21 A Yes.

09:18AM 22 Q Where do you recognize that as -- as being located?

09:18AM 23 A It was at a salon.

09:18AM 24 Q In Honolulu?

09:18AM 25 A No. In Kaimuki area.

09:19AM 1 Q Okay. What was the significance of this salon in Kaimuki?

09:19AM 2 A One of his girlfriends worked there.

09:19AM 3 Q Which girlfriend?

09:19AM 4 A Heather Freeman.

09:19AM 5 MR. INCIONG: Could we go off of this exhibit for a

09:19AM 6 moment and show Mr. Freitas Exhibit 1-65, please?

09:19AM 7 BY MR. INCIONG:

09:19AM 8 Q Mr. Freitas, do you recognize the individual shown in

09:19AM 9 Exhibit 1-65?

09:19AM 10 A Yes.

09:19AM 11 Q Who do you recognize that as?

09:19AM 12 A Heather Freeman.

09:19AM 13 Q Is this the girlfriend of Mr. Miske that you just

09:19AM 14 referenced?

09:19AM 15 A Yes.

09:19AM 16 Q Does this photo accurately show her?

09:19AM 17 A Yes.

09:19AM 18 MR. INCIONG: Your Honor, I would move to admit 1-65,

09:19AM 19 please.

09:19AM 20 THE COURT: Any issue?

09:19AM 21 MR. KENNEDY: No objection, Your Honor.

09:19AM 22 THE COURT: Without objection 1-65 is admitted --

09:19AM 23 MR. KENNEDY: Your Honor, I -- I do have a question

09:19AM 24 about the last exhibit. When we went off screen, is that part

09:19AM 25 of the exhibit or are we --

09:19AM 1 THE COURT: It is.

09:19AM 2 MR. KENNEDY: Thank you.

09:19AM 3 THE COURT: There are no page numbers that I observed,  
09:20AM 4 but it is part of it.

09:20AM 5 MR. KENNEDY: That's fine, Your Honor. That -- that  
09:20AM 6 was the only thing I wanted to check on.

09:20AM 7 (Exhibit 1-65 was received in evidence.)

09:20AM 8 MR. INCIONG: Could we publish 1-65, please?

09:20AM 9 THE COURT: Yes.

09:20AM 10 BY MR. INCIONG:

09:20AM 11 Q This is a photo of Heather Freeman, Mr. Freitas?

09:20AM 12 A Yes.

09:20AM 13 MR. INCIONG: Okay. All right. So could we go back,  
09:20AM 14 please, to Exhibit 1-637 to the top there? All right. Can we  
09:20AM 15 focus on the -- the second and third bubbles, please?

09:20AM 16 BY MR. INCIONG:

09:20AM 17 Q So you received these texts from Mr. Miske after he'd sent  
09:20AM 18 you that screenshot, Mr. Freitas; is that true?

09:20AM 19 A Yes.

09:20AM 20 Q That say go drive to this parking lot. Where is  
09:20AM 21 Genevieve?

09:20AM 22 And then let's go down to the next page, page two, the  
09:20AM 23 first bubble, don't do it in front of her.

09:20AM 24 What was happening here when Mr. Miske was sending you  
09:20AM 25 these three text messages in -- after the screenshot?

09:21AM 1 A I was putting in a cell phone into Heather Freeman's  
09:21AM 2 vehicle.

09:21AM 3 Q What was the purpose of putting a cell phone in her  
09:21AM 4 vehicle?

09:21AM 5 A To see where she goes.

09:21AM 6 Q How was the cell phone going to tell you where she was  
09:21AM 7 going?

09:21AM 8 A Find My iPhone.

09:21AM 9 Q That's a tracking app that you were using on that phone?

09:21AM 10 A Yes.

09:21AM 11 Q Who directed you to do that?

09:21AM 12 A Mike.

09:21AM 13 Q Why did he want Ms. Freeman tracked?

09:21AM 14 A He just wanted to know where her location was.

09:21AM 15 Q Now, in one of the texts, he asked you, Where is  
09:21AM 16 Genevieve? Who is Genevieve?

09:21AM 17 A It was an old girlfriend.

09:21AM 18 Q Is that your girlfriend at that time?

09:21AM 19 A Yes.

09:21AM 20 Q As of June of 2015?

09:21AM 21 A Yes.

09:21AM 22 MR. INCIONG: Okay. So let's go to page two then and  
09:21AM 23 see your responses, the two green bubbles on page two, please.

09:21AM 24 Thank you.

09:21AM 25 BY MR. INCIONG:

09:21AM 1 Q So you -- you answer, with me and okay.

09:21AM 2 So with me were you referring to Genevieve there?

09:22AM 3 A Yes.

09:22AM 4 Q So she was with you in your vehicle at that time?

09:22AM 5 A Yes.

09:22AM 6 Q Okay. And okay, you were just acknowledging his text?

09:22AM 7 A Yes.

09:22AM 8 Q All right. Can we look at the final text bubble on page

09:22AM 9 two then? Mr. Miske then texts you, grab the phone out. Need

09:22AM 10 to charge in my office then put back in car.

09:22AM 11 If we go to page three, the next text says, this the

09:22AM 12 parking lot in back of Big City Diner.

09:22AM 13 Then Mr. Miske texts you, what you think. Then he

09:22AM 14 texts you, can, question mark, question mark. Then he texts

09:22AM 15 you, gotta be stealth and not get caught.

09:22AM 16 Do you recall that?

09:22AM 17 A Yes.

09:22AM 18 Q Again, what was he referring to? What was happening

09:22AM 19 there?

09:22AM 20 A To put the cell phone inside Heather's car.

09:23AM 21 Q And not get caught?

09:23AM 22 A Yes.

09:23AM 23 Q So if you look at page four then, the green -- top two

09:23AM 24 green bubbles, are those your answers to Mr. Miske?

09:23AM 25 A Yes.

09:23AM 1 Q And you say, okay and can?

09:23AM 2 A Yes.

09:23AM 3 Q If we go down then to the bottom half of page four. Were

09:23AM 4 those Mr. Miske's responses to you then on June 1, 2015?

09:23AM 5 A Yes.

09:23AM 6 Q He texts you, don't let Genevieve know?

09:23AM 7 A Yes.

09:23AM 8 Q And IDC how much you trust her?

09:23AM 9 A Yes.

09:23AM 10 Q IDC is what?

09:23AM 11 A I don't care.

09:23AM 12 Q So if we could go to page five, please. And then do you

09:23AM 13 respond to him in the top text bubble there saying, K?

09:23AM 14 A Yes.

09:23AM 15 Q So you're acknowledging?

09:23AM 16 A Yes.

09:23AM 17 Q All right. So could I have you look now at the two blue

09:24AM 18 bubbles on that page, page five. Mr. Miske then texts you, if

09:24AM 19 the windows are looking at you, then don't do it. We can

09:24AM 20 always wait until the car is easier parks.

09:24AM 21 What did you understand that to mean?

09:24AM 22 A The salon was upstairs and it had windows, so he didn't

09:24AM 23 want me to get caught if she was looking out the window.

09:24AM 24 Q All right. So do you see your response there at the

09:24AM 25 bottom of page five?

09:24AM 1 A Yes.

09:24AM 2 Q You told Mr. Miske at that point done?

09:24AM 3 A Yes.

09:24AM 4 Q What did that mean?

09:24AM 5 A That I put the cell phone in the vehicle.

09:24AM 6 Q Okay. How did you get into Ms. Freeman's vehicle to put  
09:24AM 7 the cell phone in there?

09:24AM 8 A I didn't get inside her vehicle. I put it underneath the  
09:24AM 9 backside bumper.

09:24AM 10 Q How did you secure it or keep it in place?

09:24AM 11 A I put it in a bag, a waterproof bag so it wouldn't get  
09:24AM 12 wet.

09:25AM 13 Q Okay. So could I have you look at your text to Mr. Miske  
09:25AM 14 at the top of page six on that same day? You tell him, got it.

09:25AM 15 A Yes.

09:25AM 16 Q And then your next text right below that says charging in  
09:25AM 17 the car -- in -- the my car now.

09:25AM 18 What did that mean?

09:25AM 19 A We had to charge the cell phone because it was dying.

09:25AM 20 Q So Mr. Miske then responds to you that same day. If we  
09:25AM 21 look at the bottom of page six, he says, nice. And how dead  
09:25AM 22 was it?

09:25AM 23 Do you recall that?

09:25AM 24 A Yes.

09:25AM 25 Q And could we go to page seven? Then he did -- did he ask



09:25AM 1 you by text what percent?

09:25AM 2 A Yes.

09:25AM 3 Q And do you see your response below that?

09:26AM 4 A Yes.

09:26AM 5 Q What did you tell him?

09:26AM 6 A 32 percent.

09:26AM 7 Q His response to you to that on the bottom of page 7 was,  
09:26AM 8 good way to gauge. How long has it been? And then below that,  
09:26AM 9 now, we know we can wait a few more days.

09:26AM 10 And do you respond to him on the following page, on  
09:26AM 11 page eight?

09:26AM 12 A Yes.

09:26AM 13 Q What do you say?

09:26AM 14 A Yep.

09:26AM 15 Q So do you see his response to that message then the  
09:26AM 16 following bubble probably been over a week?

09:26AM 17 A Yes.

09:26AM 18 Q And that was referring to what?

09:26AM 19 A The cell phone.

09:26AM 20 Q How long the charge had lasted?

09:26AM 21 A Yes.

09:26AM 22 Q And then you respond you acknowledge that there, correct?  
09:26AM 23 Yeah, it's been?

09:26AM 24 A Yes.

09:26AM 25 Q And then you ask -- is that a question you're asking

09:26AM 1 there, when we putting it back?

09:26AM 2 A Yes.

09:26AM 3 Q Did he respond?

09:26AM 4 A Yes, he did respond.

09:26AM 5 Q Do you see his response at the top of page nine?

09:27AM 6 A Yes.

09:27AM 7 Q And that was, once it's charged?

09:27AM 8 A Yes.

09:27AM 9 Q Did you acknowledge that?

09:27AM 10 A Yes.

09:27AM 11 Q And that's in the next message where you say, K?

09:27AM 12 A Yes.

09:27AM 13 Q And then if we look at the bottom of page nine, how does  
09:27AM 14 he answer that?

09:27AM 15 A She'll be there for another two hours. Was it hard to  
09:27AM 16 grab?

09:27AM 17 Q Okay. So starting with the she'll be there for another  
09:27AM 18 two hours, where was the there that he was referring to?

09:27AM 19 A Her salon that she was working at.

09:27AM 20 Q All right. So then when he asks you was it hard to grab,  
09:27AM 21 he sends you another text before you could answer, correct?

09:27AM 22 A Yes.

09:27AM 23 Q Do you see that at the top of page ten?

09:27AM 24 A Yes.

09:27AM 25 Q I'm here at auto customs waiting for the Jeep.

09:27AM 1 Was that something totally separate related to what

09:27AM 2 you were texting about here?

09:27AM 3 A Yes.

09:27AM 4 Q Did you know what he was referring to?

09:27AM 5 A Yes.

09:27AM 6 Q What was -- what was he referring to there?

09:27AM 7 A He was putting rims and tires on his new Jeep.

09:28AM 8 Q So in the next text, do you respond to his previous

09:28AM 9 question which was was it hard to grab?

09:28AM 10 A It was easy to grab.

09:28AM 11 Q Did he then ask you -- below that do you see that? Is it

09:28AM 12 charged yet?

09:28AM 13 A Yes.

09:28AM 14 Q And do you see your response?

09:28AM 15 A Yes.

09:28AM 16 Q That was what?

09:28AM 17 A No at 50 percent.

09:28AM 18 Q Was there another text you sent right after that on that

09:28AM 19 subject?

09:28AM 20 A Yes.

09:28AM 21 Q Do you see that where it says on the 2.1 amp?

09:28AM 22 A Yes.

09:28AM 23 Q What does that mean?

09:28AM 24 A It's on the faster charger.

09:28AM 25 Q How did he respond via text to that message?

09:28AM 1 A That thing is going to take two fucking hours.

09:28AM 2 Q So do you see your two responses to that below that on

09:28AM 3 page 11? What you think about the GPS?

09:29AM 4 A Yes.

09:29AM 5 Q And then I sent you.

09:29AM 6 What were you referring to there?

09:29AM 7 A GPS device that I found online.

09:29AM 8 Q So you were thinking about using that instead of the cell

09:29AM 9 phone?

09:29AM 10 A Yes.

09:29AM 11 Q Why?

09:29AM 12 A It's going to last longer.

09:29AM 13 Q Did you do that on your own or were you directed to do

09:29AM 14 research on that?

09:29AM 15 A I was directed to do research on it.

09:29AM 16 Q Who directed you?

09:29AM 17 A Mike.

09:29AM 18 Q Could we look at page 12 then, please? So Mr. Miske's

09:29AM 19 first text there to you says, it doesn't say how long the

09:29AM 20 battery last.

09:29AM 21 Do you remember that?

09:29AM 22 A Yes.

09:29AM 23 Q How did you respond to him?

09:29AM 24 A Depends how much you use it.

09:29AM 25 Q Okay. Did -- and what does your next text say?

09:29AM 1 A But it costs too.

09:29AM 2 Q And then what did you say in the last message on that  
09:29AM 3 page?

09:29AM 4 A I think the best is iPhone 6 plus. That shit works good.

09:30AM 5 Q What were you expressing to Mr. Miske at that time?

09:30AM 6 A That the iPhone 6 was better.

09:30AM 7 Q Better than the GPS device he'd asked you to look at?

09:30AM 8 A Yes.

09:30AM 9 Q So do you recall the messages on the top of page 13 from  
09:30AM 10 Mr. Miske in response to this discussion?

09:30AM 11 A Yes.

09:30AM 12 Q So he texted you, like how we're using it, how long would  
09:30AM 13 it last? Need to ask them battery life.

09:30AM 14 So this was all -- why was it important how long the  
09:30AM 15 battery would last for these trackers or this -- or the phone?

09:30AM 16 A So we don't have to go back too often.

09:30AM 17 Q So every time it would -- the battery would be running  
09:30AM 18 out, you'd have to retrieve it, charge it, and then put back  
09:30AM 19 again?

09:30AM 20 A Yes.

09:30AM 21 Q Did you do that a number of times that you recall?

09:30AM 22 A Yes.

09:30AM 23 Q All right. Let's go to page 14, if we could. So this is  
09:31AM 24 now on June 4th of 2015. If we can look at those two top text  
09:31AM 25 messages. Do you recognize those as messages coming again from

09:31AM 1 MM, Mr. Miske?

09:31AM 2 A Yes.

09:31AM 3 Q So do you recall where he texted you there, go buy a Boost  
09:31AM 4 Mobile that can text?

09:31AM 5 A Yes.

09:31AM 6 Q Did you know what he was referring to?

09:31AM 7 A Yes.

09:31AM 8 Q What was he referring to?

09:31AM 9 A A burner phone.

09:31AM 10 Q What is a burner phone?

09:31AM 11 A A phone that doesn't link back to us.

09:31AM 12 Q Had you bought burner phones for Mr. Miske in the past?

09:31AM 13 A Yes.

09:31AM 14 Q Do you recall approximately how many occasions you  
09:31AM 15 purchased burner phones at his direction?

09:31AM 16 A Two or three times.

09:31AM 17 Q Was there any specific place that you went to buy the  
09:31AM 18 burner phones?

09:31AM 19 A No.

09:31AM 20 Q Who would those phones be subscribed to or whose name?

09:32AM 21 A Anonymous name.

09:32AM 22 Q While we're on that subject, were there other certain  
09:32AM 23 types of ways of communication that you were directed to use  
09:32AM 24 with Mr. Miske?

09:32AM 25 A Yes.

09:32AM 1 Q Can you give a couple of examples?

09:32AM 2 A Signal and WhatsApp.

09:32AM 3 Q What are Signal and what -- what is WhatsApp?

09:32AM 4 A It's an encryption that's not linked to the iPhone. It's  
09:32AM 5 another app we use.

09:32AM 6 Q Did you communicate with Mr. Miske on either of those apps  
09:32AM 7 regularly?

09:32AM 8 A Yes.

09:32AM 9 Q Were you directed to use those with him?

09:32AM 10 A Yes.

09:32AM 11 Q Did you ever communicate with him outside of those apps?

09:32AM 12 A No.

09:32AM 13 Q So going back to the page 14, so he asked you to get  
09:32AM 14 the -- to buy a Boost Mobile. Do you see your response there  
09:32AM 15 at the bottom of page 14?

09:32AM 16 A Yes.

09:32AM 17 Q You responded to him the same -- I'm sorry. This is  
09:33AM 18 June 4th of 2015, the same day, K, and phone in office?

09:33AM 19 A Yes.

09:33AM 20 Q What did that mean?

09:33AM 21 A The phone was in the office that I picked it up already.

09:33AM 22 Q Okay. So you left it there for Mr. Miske?

09:33AM 23 A Yes.

09:33AM 24 Q All right. Could we then turn to page 15 of this  
09:33AM 25 particular exhibit, please? Starting with the top blue bubble,

09:33AM 1 that's a text from Mr. Miske, correct?

09:33AM 2 A Yes.

09:33AM 3 Q And he's asking you on June 11, 2015, where you at?

09:33AM 4 And do you see your response?

09:33AM 5 A Yes.

09:33AM 6 Q You said, shop.

09:33AM 7 Where did that mean?

09:33AM 8 A Kama'aina Termite and Pest Control.

09:33AM 9 Q At 940B Queen Street?

09:33AM 10 A Yes.

09:33AM 11 Q So the next text message Mr. Miske sends you is, Go

09:34AM 12 recharge the iPhone Plus. You have two hours before she leaves

09:34AM 13 work. Take a two amp charger.

09:34AM 14 What was happening here?

09:34AM 15 A To recharge the phone that was in Heather's car.

09:34AM 16 Q So is this the same work location, the salon in Kaimuki?

09:34AM 17 A Yes.

09:34AM 18 Q You respond to him, about to get some office supplies?

09:34AM 19 A Yes.

09:34AM 20 Q So you were doing legitimate work at that time, correct?

09:34AM 21 A Yes.

09:34AM 22 Q But he wanted you to stop that and go recharge the -- the

09:34AM 23 phone?

09:34AM 24 A Yes.

09:34AM 25 Q So if we look at the next page, page 16, do you recall



09:34AM 1 where he asks you how many days has it been?

09:34AM 2 A Yes.

09:34AM 3 Q And then your reply, you -- you sent two messages back to

09:34AM 4 back. Do you recall that?

09:34AM 5 A Yes.

09:34AM 6 Q Phone cases came in and where she at same place. Is

09:34AM 7 Kaimuki misspelled there?

09:35AM 8 A Yes.

09:35AM 9 Q So what were you referring to when you say phone cases

09:35AM 10 came in?

09:35AM 11 A The cases for the phone came in.

09:35AM 12 Q Which phone?

09:35AM 13 A For the iPhone.

09:35AM 14 Q The phone that was being used to track Heather Freeman?

09:35AM 15 A Yes.

09:35AM 16 Q Why had you ordered those?

09:35AM 17 A So it would be waterproof so when we put it in the bag.

09:35AM 18 Q You used the plastic bag the first time?

09:35AM 19 A Yes.

09:35AM 20 Q So now you had bought waterproof cases for it?

09:35AM 21 A Yes.

09:35AM 22 Q Who directed you to buy those?

09:35AM 23 A He did, Mike.

09:35AM 24 Q Then you asked, where she at the same place Kaimuki?

09:35AM 25 You are referring to the salon?

09:35AM 1 A Yes.

09:35AM 2 Q And then he responds to you, yes, in the next message?

09:35AM 3 A Yes.

09:35AM 4 Q Okay. So if we go to page 17, you acknowledge, okay,

09:35AM 5 correct?

09:35AM 6 A Yes.

09:35AM 7 Q So then he responds with three text messages on that page.

09:35AM 8 Do you see those?

09:35AM 9 A Yes.

09:35AM 10 Q How many days he asks first?

09:35AM 11 A Yes.

09:36AM 12 Q Did you know what he was referring to there?

09:36AM 13 A How many days did it last?

09:36AM 14 Q The charge on the phone?

09:36AM 15 A Yes.

09:36AM 16 Q All right. Then the next one he says, go charge iPhone

09:36AM 17 Plus.

09:36AM 18 That's the iPhone Plus you were using to track Heather

09:36AM 19 Freeman?

09:36AM 20 A Yes.

09:36AM 21 Q And then the next message, she gets off at 6.

09:36AM 22 What did that mean?

09:36AM 23 A That she is leaving work at 6:00.

09:36AM 24 Q Leaving the salon in Kaimuki?

09:36AM 25 A Yes.

09:36AM 1 Q Okay. Do you see your response on the top of page 18 to  
09:36AM 2 that?

09:36AM 3 A Yes.

09:36AM 4 Q You say, okay?

09:36AM 5 A Yes.

09:36AM 6 Q Did you go and do as he instructed you?

09:36AM 7 A Yes.

09:36AM 8 Q Okay. Let me now -- let's look at the next text message

09:36AM 9 on that same page, page 18, but this is a new exchange that

09:36AM 10 begins on 6/16, June 16, 2015. So Mr. Miske sends you this

09:37AM 11 text message that says that the GPS in Tacoma, question mark,

09:37AM 12 question mark, question mark?

09:37AM 13 A Yes.

09:37AM 14 Q Did you know what he was referring to there?

09:37AM 15 A Yes.

09:37AM 16 Q What was he referring to?

09:37AM 17 A The GPS in the Tacoma.

09:37AM 18 Q Whose Tacoma?

09:37AM 19 A I believe it was Caleb's.

09:37AM 20 Q And what GPS system is this that -- that's being

09:37AM 21 referenced?

09:37AM 22 A To put inside the -- the vehicle, a professional shop has  
09:37AM 23 to do it.

09:37AM 24 Q Was this a new GPS that you had acquired?

09:37AM 25 A Yes.

09:37AM 1 Q When had you acquired this in relation to this text? Had  
09:37AM 2 it been just recently or had you had it for a while? Do you  
09:37AM 3 recall?

09:37AM 4 A I don't recall.

09:37AM 5 Q Who instructed you to get this GPS that was in the Tacoma?

09:37AM 6 A Mike did.

09:37AM 7 Q What was this GPS going to be used for?

09:37AM 8 A Just to track the vehicle.

09:37AM 9 Q Whose vehicle?

09:37AM 10 A I believe it was Caleb's.

09:37AM 11 Q Caleb owned or drove a Toyota Tacoma?

09:38AM 12 A Yes.

09:38AM 13 Q Was that Toyota Tacoma given to him by Mr. Miske?

09:38AM 14 A Yes.

09:38AM 15 Q So Mr. Miske's next text is, today is Tuesday, correct?

09:38AM 16 A Yes.

09:38AM 17 Q And you respond there, yes, GPS is ready for pick up?

09:38AM 18 A Yes.

09:38AM 19 Q If we could go to page 19. Then Mr. Miske sends you four  
09:38AM 20 consecutive text messages on this page. Do you see those?

09:38AM 21 A Yes.

09:38AM 22 Q So those say, wait for it to be done. Make sure it works  
09:38AM 23 before you leave. Tell them to hide this unit good and place  
09:38AM 24 it opposite of existing unit. This is unit number two. And  
09:38AM 25 then the next message is, let her find and take out the other

09:38AM 1 one. Make sure they didn't find this one.

09:38AM 2 Do you see those?

09:38AM 3 A Yes.

09:38AM 4 Q So these are all -- were all sent on June 18th of 2015,  
09:39AM 5 correct?

09:39AM 6 A Yes.

09:39AM 7 Q So this is a new and a different conversation than the one  
09:39AM 8 with the Tacoma?

09:39AM 9 A Yes.

09:39AM 10 Q So what is being discussed by Mr. Miske here?

09:39AM 11 A Putting a GPS tracking device on Tori Clegg's car.

09:39AM 12 Q Who is Tori Clegg?

09:39AM 13 A His other girlfriend.

09:39AM 14 Q Mr. Miske's -- another of Mr. Miske's girlfriends?

09:39AM 15 A Yes.

09:39AM 16 Q Do you know who Tori Clegg was?

09:39AM 17 A Yes.

09:39AM 18 MR. INCIONG: Could we leave this exhibit for a  
09:39AM 19 moment, please, and show Mr. Freitas Exhibit 1-66, please?

09:39AM 20 THE COURT: Yes.

09:39AM 21 MR. INCIONG: Thank you.

09:39AM 22 BY MR. INCIONG:

09:39AM 23 Q Mr. Freitas, do you recognize the individual in 1-66?

09:39AM 24 A Yes.

09:39AM 25 Q Who do you recognize that as?

09:39AM 1 A Tori Clegg.

09:39AM 2 Q Does that photo accurately show her as you know Ms. Clegg  
09:39AM 3 to look?

09:39AM 4 A Yes.

09:39AM 5 MR. INCIONG: Your Honor, I would move to admit 1-66.

09:39AM 6 THE COURT: It's been admitted.

09:40AM 7 MR. INCIONG: Oh, thank you. Could we publish that at  
09:40AM 8 this time?

09:40AM 9 THE COURT: Yes.

09:40AM 10 BY MR. INCIONG:

09:40AM 11 Q So that is the Tori Clegg that you know?

09:40AM 12 A Yes.

09:40AM 13 Q So these texts that we were just referring to were going  
09:40AM 14 to be in reference to tracking Ms. Clegg?

09:40AM 15 A Yes.

09:40AM 16 MR. INCIONG: Could we go back then, please, to  
09:40AM 17 Exhibit 1-637 at page 19?

09:40AM 18 BY MR. INCIONG:

09:40AM 19 Q Now, I want to ask you specifically in regard to the --  
09:40AM 20 the third and fourth messages in this -- on this page.

09:40AM 21 So on the third message, he says, tell them to hide  
09:40AM 22 this unit good and place it in opposite of existing unit. This  
09:40AM 23 is unit number two.

09:40AM 24 What is happening there?

09:40AM 25 A She had a GPS already inside the vehicle and he wanted to

09:40AM 1 put another one because she found out where the first one was.

09:40AM 2 Q How did she find the first one?

09:40AM 3 A It was inside the engine part.

09:40AM 4 Q Had you placed that tracker there?

09:41AM 5 A No.

09:41AM 6 Q So the next message says, let her find and take out the

09:41AM 7 other one. Make sure they don't find this one.

09:41AM 8 So basically, he was -- he was asking you to replace

09:41AM 9 the one that she had found?

09:41AM 10 A No. Leave that one inside and put another one inside.

09:41AM 11 Q I see. Did you do that?

09:41AM 12 A Yes.

09:41AM 13 Q Could we go to next page, please? Page 20. He sends you

09:41AM 14 some additional texts that same day June 18th of 2015. Do you

09:41AM 15 see the first one, The app is in my phone?

09:41AM 16 A Yes.

09:41AM 17 Q What is he talking about there?

09:41AM 18 A He has an app for that tracking device in his phone.

09:41AM 19 Q So he could track the -- the location of the person from

09:41AM 20 your cell phone?

09:41AM 21 A Yes.

09:41AM 22 Q Remotely?

09:41AM 23 A Yes.

09:41AM 24 Q Then below that he says, so I can check if it's working?

09:42AM 25 A Yes.

09:42AM 1 Q That's reference to the -- the app that you just talked  
09:42AM 2 about?

09:42AM 3 A Yes.

09:42AM 4 Q Then the third message says, going to need you to recharge  
09:42AM 5 that iPhone Plus after 2 today same work location.

09:42AM 6 So this is a -- a new date. Let me make that clear.

09:42AM 7 So do you see the date there? This is June 26th of 2015?

09:42AM 8 A Yes.

09:42AM 9 Q Now, is he talking about going back to a different  
09:42AM 10 tracker?

09:42AM 11 A Yes.

09:42AM 12 Q And which tracker is this in reference to?

09:42AM 13 A The charger for the phone is going to be Heather's.

09:42AM 14 Q And so this is the same work location? Is that the -- the  
09:42AM 15 salon in Kaimuki?

09:42AM 16 A Yes.

09:42AM 17 Q All right. Let me skip forward then to page 24 of this  
09:42AM 18 exhibit, please. Starting with the -- the first blue bubble.

09:43AM 19 MR. INCIONG: Oh, I'm sorry. Could we have this  
09:43AM 20 published, Your Honor? I don't think it's showing -- showing  
09:43AM 21 on the -- on the screen. There we go, thank you.

09:43AM 22 THE COURT: This is a page from the same exhibit we've  
09:43AM 23 been talking about.

09:43AM 24 MR. INCIONG: Yes. Page 24 of Exhibit 1-637.

09:43AM 25 THE COURT: Go ahead.



09:43AM 1 BY MR. INCIONG:

09:43AM 2 Q So in this text, do you see that was sent on August 28th  
09:43AM 3 of 2015?

09:43AM 4 A Yes.

09:43AM 5 Q Was this sent to you or someone else as well?

09:43AM 6 A It was sent to John Blane. John Stancil.

09:43AM 7 Q As well as yourself?

09:43AM 8 A Yes.

09:43AM 9 Q And this text says, Kaulana, just to let you know, I got a  
09:43AM 10 call inquiring about your whereabouts from someone who called  
09:43AM 11 someone that I wouldn't personally take lightly. He said you  
09:43AM 12 ripped him for 10K and is now looking for you. I'm not sure  
09:43AM 13 what the truth is but wanted to give you a heads up. Let me  
09:43AM 14 know if you need that type of help. Although I want to  
09:44AM 15 personally slap you, I won't let anyone else.

09:44AM 16 Did you know what Mr. Miske was referring to when --  
09:44AM 17 when you read that text?

09:44AM 18 A Yes.

09:44AM 19 Q What was he referring to?

09:44AM 20 A I ripped off Eric Lum of three pounds of marijuana.

09:44AM 21 Q Who is Eric Lum?

09:44AM 22 A A friend.

09:44AM 23 Q Did you do that by yourself or with someone else?

09:44AM 24 A I did it with John.

09:44AM 25 Q John Stancil?

09:44AM 1 A Yes.

09:44AM 2 Q How did you guys set up this robbery?

09:44AM 3 A I set it up.

09:44AM 4 Q What was the -- what was the plan that you put in place?

09:44AM 5 A To purchase three pounds of marijuana.

09:44AM 6 Q And did you set up a meeting with Mr. Lum to -- to get

09:44AM 7 that marijuana?

09:44AM 8 A Yes.

09:44AM 9 Q Were you falsely telling him that you were going to buy

09:44AM 10 the marijuana?

09:44AM 11 A Yes.

09:44AM 12 Q Where was that meeting?

09:44AM 13 A 24 hours in Kaneohe.

09:44AM 14 Q 24 hours?

09:45AM 15 A 24 Hour Fitness.

09:45AM 16 Q Did Mr. Lum show up at the meeting?

09:45AM 17 A Yes.

09:45AM 18 Q Were you there with Mr. Stancil?

09:45AM 19 A Yes.

09:45AM 20 Q What happened when you folks all met?

09:45AM 21 A I went to Eric. I met Eric. I went into his vehicle,

09:45AM 22 told him I'll be back, and we took off.

09:45AM 23 Q You never intended to pay him?

09:45AM 24 A No.

09:45AM 25 Q Did he object or chase you or what happened?

09:45AM 1 A Nothing happened. He didn't chase me.

09:45AM 2 Q Okay. But later now you're finding out he did have a  
09:45AM 3 problem?

09:45AM 4 A Yes.

09:45AM 5 Q Okay. Did your association with Mr. Miske play any part  
09:45AM 6 in your decision to do that robbery?

09:45AM 7 A No.

09:45AM 8 Q Did Mr. Miske have a problem with you doing that robbery?

09:45AM 9 A Yes.

09:45AM 10 Q And that's what he is showing in here in the first text  
09:45AM 11 message?

09:45AM 12 A Yes.

09:45AM 13 Q Okay. So let's look at the second text message. What  
09:45AM 14 about this 10K rip?

09:45AM 15 So the rip is referring to robbery?

09:45AM 16 A Yes.

09:45AM 17 Q What is the 10K referring to?

09:46AM 18 A It was worth about 10,000.

09:46AM 19 Q That was the three pounds of marijuana?

09:46AM 20 A Yes.

09:46AM 21 Q He then sends the next text, you evading the question?

09:46AM 22 You see that?

09:46AM 23 A Yes.

09:46AM 24 Q Then if we could go to page 25. He sends two more texts  
09:46AM 25 to you. All within that same time frame. The 10K?

09:46AM 1 A Yes.

09:46AM 2 Q And true, question mark?

09:46AM 3 A Yes.

09:46AM 4 Q So do you see your first response to him at the bottom of  
09:46AM 5 page 25?

09:46AM 6 A Yes.

09:46AM 7 Q You say for anybody else, no, but for you, you already  
09:46AM 8 know.

09:46AM 9 What did you mean by that?

09:46AM 10 A That I did the robbery.

09:46AM 11 Q And so what did you mean for -- what did you mean by for  
09:46AM 12 anybody else, no?

09:46AM 13 A If anybody asks questions.

09:46AM 14 Q Did you see his response then on the next page, page 26?

09:47AM 15 Starting with the top text message. They're actually  
09:47AM 16 duplicates so -- oh, I take that back. If we can just look at  
09:47AM 17 the top one there, thank you.

09:47AM 18 Mr. Miske texts you. Kaulana, you knew that was my  
09:47AM 19 F'ing friend's nephew beforehand and you still F'ing did it,  
09:47AM 20 question mark, question mark, question mark. What about my  
09:47AM 21 relationship with his uncle? Now, his uncle calling me for  
09:47AM 22 help, exclamation point, exclamation point, exclamation point.  
09:47AM 23 What if his uncle call Sudee? You two dumb fukas. The  
09:47AM 24 position you two dumb fucks put me in, exclamation,  
09:47AM 25 exclamation. You know how close Nate is to Bruce, question

09:47AM 1 mark, question mark, question mark. You know that's my circle  
09:47AM 2 and you still do it. Now what, question mark, question mark,  
09:47AM 3 question mark. I going have to pay back your guys F'ing rip  
09:47AM 4 just because you affiliated with me.  
09:47AM 5 You remember that?  
09:47AM 6 A Yes.  
09:47AM 7 Q Did you understand everything that was going on there?  
09:48AM 8 A Yes.  
09:48AM 9 Q So in the first line, he says, that was my F'ing friend's  
09:48AM 10 nephew.  
09:48AM 11 Did you know what friend he was referring to?  
09:48AM 12 A Yes.  
09:48AM 13 Q Who was the friend he was referring to?  
09:48AM 14 A Nate Lum.  
09:48AM 15 Q So when he says, what about my relationship with his  
09:48AM 16 uncle, Nate Lum is the uncle?  
09:48AM 17 A Yes.  
09:48AM 18 Q Did you know Nate Lum?  
09:48AM 19 A No.  
09:48AM 20 Q Did you know what Mr. Lum's relationship was with Mike  
09:48AM 21 Miske?  
09:48AM 22 A It was friends.  
09:48AM 23 Q This next sentence is, now his uncle calling me for help.  
09:48AM 24 So that's Nate Lum?  
09:48AM 25 A Uh-hm.

09:48AM 1 Q So the next sentence then is, what if his uncle call  
09:48AM 2 Sudee?  
09:48AM 3 Who is Sudee?  
09:48AM 4 A Mike's friend.  
09:48AM 5 Q Did you know Sudee?  
09:48AM 6 A Yes.  
09:48AM 7 Q What's Sudee's last name?  
09:48AM 8 A I don't know.  
09:48AM 9 Q Did you know why there might be the possibility that Nate  
09:48AM 10 Lum would call Sudee?  
09:48AM 11 MR. KENNEDY: Objection, speculation, Your Honor.  
09:48AM 12 THE COURT: Overruled. Go ahead, if you know.  
09:48AM 13 THE WITNESS: No, I don't know.  
09:49AM 14 BY MR. INCIONG:  
09:49AM 15 Q Was Sudee somebody that you feared?  
09:49AM 16 A No.  
09:49AM 17 Q Did you know if Mr. Miske feared him?  
09:49AM 18 A No.  
09:49AM 19 Q So then the two sentences down the question is asked, you  
09:49AM 20 know how close Nate is to Bruce.  
09:49AM 21 Did you know who Bruce was?  
09:49AM 22 A Yes.  
09:49AM 23 Q Who is Bruce?  
09:49AM 24 A Bruce Perry.  
09:49AM 25 Q How do you know Bruce Perry?

09:49AM 1 A From Mike.

09:49AM 2 Q What is -- what do you know of Bruce Perry?

09:49AM 3 A Nothing.

09:49AM 4 Q Okay. Do you know what their relationship was?

09:49AM 5 A No.

09:49AM 6 Q He said, you know that's my circle and you still do it.

09:49AM 7 Now what I'm going to have to pay back your guys just because  
09:49AM 8 you affiliated with me.

09:49AM 9 Affiliated with you, what did you understand that to  
09:49AM 10 mean?

09:49AM 11 A That was -- John was Mike's half brother and I was his  
09:49AM 12 cousin.

09:49AM 13 Q Okay. Let's go to page 27, please. At the top of that,  
09:50AM 14 the first text messages, is that an attachment, a screenshot?

09:50AM 15 A Yes.

09:50AM 16 Q That Mr. Miske sent you?

09:50AM 17 A Yes.

09:50AM 18 MR. INCIONG: Could we go to -- and I apologize. It  
09:50AM 19 is not numbered as you indicated, Your Honor, but it's the  
09:50AM 20 second to the last page of this document. Exhibit 1-637.  
09:50AM 21 Second to the last page. There we go.

09:50AM 22 BY MR. INCIONG:

09:50AM 23 Q Is -- is this the attachment that you saw there attached  
09:50AM 24 to that text?

09:50AM 25 A Yes.

09:50AM 1 Q Can you see who that message is from to Mr. Miske?

09:50AM 2 A Yes.

09:50AM 3 Q Or -- or who it's to, I should say. What name is there?

09:50AM 4 A Nate Lum.

09:50AM 5 Q And that message says, or the bottom half says, braddah, I  
09:50AM 6 need to ask you for help.

09:51AM 7 And the response, yeah, what's up?

09:51AM 8 A Yes.

09:51AM 9 Q So you responded to that, correct, on page 27, if you can  
09:51AM 10 go back there. In the green bubble, that's your response,  
09:51AM 11 correct?

09:51AM 12 A Yes.

09:51AM 13 Q And you tell him I never know that was your friend's  
09:51AM 14 nephew?

09:51AM 15 A Yes.

09:51AM 16 Q Is that true?

09:51AM 17 A Yes.

09:51AM 18 Q What was Mr. Miske's response to that at the bottom of  
09:51AM 19 page 27?

09:51AM 20 A Fuck you.

09:51AM 21 Q And if we go to next page, top of page 28, what was the  
09:51AM 22 next text that Mr. Miske sent you?

09:51AM 23 A You fucking knew you lying fuck.

09:51AM 24 Q You respond to him following that, I promise I didn't?

09:51AM 25 A Yes.



09:51AM 1 Q So what did Mr. Miske respond to you at the bottom of that  
09:51AM 2 page in those next two texts?

09:51AM 3 A Doesn't matter now. You better figure it out how the fuck  
09:52AM 4 you going to pay it back.

09:52AM 5 Q And the next text says what?

09:52AM 6 A Fuck you. Don't show your face around the fucking club  
09:52AM 7 both of you.

09:52AM 8 Q So the -- the club is -- what did you understand that to  
09:52AM 9 mean?

09:52AM 10 A M Nightclub.

09:52AM 11 Q And both of you is who?

09:52AM 12 A John Stancil and me.

09:52AM 13 Q So did you understand that basically you were being banned  
09:52AM 14 from the club at that point?

09:52AM 15 A Yes.

09:52AM 16 Q The place where you had had free drinks, free entry, free  
09:52AM 17 food for -- for two years?

09:52AM 18 A Yes.

09:52AM 19 Q Could we go and look at the next two texts from Mr. Miske  
09:52AM 20 on the top of page 29? Well, just the first one, I'm sorry, to  
09:52AM 21 start.

09:52AM 22 So the last text in this chain on August 29th of 2015  
09:52AM 23 is, these guys don't play. And you put me and Miller in a bad  
09:53AM 24 spot because you a dumb fuck.

09:53AM 25 What do you understand that to mean?

09:53AM 1 A That he's in a bad spot.

09:53AM 2 Q Meaning what did he have to do?

09:53AM 3 A Pay back the 10,000.

09:53AM 4 Q You put me and Miller. Who is Miller?

09:53AM 5 A Wayne Miller.

09:53AM 6 Q Why was Wayne Miller in a bad spot, if you know?

09:53AM 7 A I don't know.

09:53AM 8 Q So did Mr. Miske protect you on this deal?

09:53AM 9 A Yes.

09:53AM 10 Q Did you later learn that other people had come looking for

09:53AM 11 you for pay back of some sort on the same deal?

09:53AM 12 A Yes.

09:53AM 13 Q How did you learn about that?

09:53AM 14 A They came to the shop.

09:53AM 15 Q Did you know who the person was that came to the shop?

09:53AM 16 A No.

09:53AM 17 Q How would you describe that person?

09:53AM 18 A That person was a few guys and some of them was big.

09:53AM 19 Q You were there at the time?

09:53AM 20 A No.

09:53AM 21 Q How did you find out they came?

09:54AM 22 A Mike told me.

09:54AM 23 Q They came looking for you?

09:54AM 24 A Yes.

09:54AM 25 Q Not to have a friendly conversation, I take it?

09:54AM 1 A No.

09:54AM 2 Q Did Mr. Miske take care of that?

09:54AM 3 A Yes.

09:54AM 4 Q So he protected you?

09:54AM 5 A Yes.

09:54AM 6 Q And that was some of the benefits that you talked about

09:54AM 7 earlier?

09:54AM 8 A Yes.

09:54AM 9 Q You knew you could get away with doing this kind of stuff?

09:54AM 10 A Yes.

09:54AM 11 Q Okay. Let me go then to the next message on that page,

09:54AM 12 which is a different now chat, different date on September 6th

09:54AM 13 of 2015. Mr. Miske sends you a text, "Where did you put box

09:54AM 14 exactly on Lex?"?

09:54AM 15 Do you recall that?

09:54AM 16 A Yes.

09:54AM 17 Q Did you know what he meant by that?

09:54AM 18 A Yes.

09:54AM 19 Q What did he mean?

09:54AM 20 A The GPS device.

09:54AM 21 Q And Lex, what was that?

09:54AM 22 A The Lexus.

09:54AM 23 Q Whose vehicle?

09:54AM 24 A It was Heather's.

09:54AM 25 Q Do you see a response to that message?

09:55AM 1 A Yes.

09:55AM 2 Q So you offer to change it if he wants you to?

09:55AM 3 A Yes.

09:55AM 4 Q And then the next message, you say, "On both, Bro."

09:55AM 5 So what did that mean "on both"?

09:55AM 6 A I'm not too sure. I don't recall or recollect on both.

09:55AM 7 Q All right. Go to the next message then maybe that will  
09:55AM 8 refresh your memory. If you look at this text you sent on  
09:55AM 9 September 6th, you see that where you said, "Passenger back  
09:55AM 10 tire on the frame."

09:55AM 11 A Yes.

09:55AM 12 Q Then his response is, "Grab them both. I'll let you know  
09:55AM 13 where they are at some point soon."

09:55AM 14 And then you say, "Okay, let us know."

09:55AM 15 A Okay.

09:55AM 16 Q Do you recall now?

09:55AM 17 A Yes.

09:55AM 18 Q So what was happening here?

09:55AM 19 A I was switching out the GPS devices on the Lexus.

09:55AM 20 Q Was it more than one?

09:55AM 21 A I believe it was two.

09:55AM 22 Q Okay. So Mr. Miske responds to you, I searched under the  
09:56AM 23 Lexus and can't find it.

09:56AM 24 Do you see that on the bottom of page 30?

09:56AM 25 A Yes.

09:56AM 1 Q And if we go to page 31, do you see your response?

09:56AM 2 A Yes.

09:56AM 3 Q You tell him FaceTime me; I can show you?

09:56AM 4 A Yes.

09:56AM 5 Q And then do you describe -- is that what you're doing in

09:56AM 6 the next message you're describing specifically where it is?

09:56AM 7 A Yes.

09:56AM 8 Q The passenger back tire -- the frame behind it. If you're

09:56AM 9 looking at the tire, it's on the right top side of frame.

09:56AM 10 Is that where you had put that tracker?

09:56AM 11 A Yes.

09:56AM 12 Q Do you see Mr. Miske's response to that at the bottom of

09:56AM 13 page 31?

09:56AM 14 A Yes.

09:56AM 15 Q I can't now. She works tomorrow at 10:30. Grab it there.

09:56AM 16 So where was that -- where was "there"?

09:56AM 17 A At the salon where she works.

09:56AM 18 Q The same salon in Kaimuki?

09:56AM 19 A Yes.

09:56AM 20 Q Where Heather Freeman worked?

09:56AM 21 A Yes.

09:56AM 22 Q Then you respond on the top of page 32, you say, okay?

09:57AM 23 A Yes.

09:57AM 24 Q All right. So if we go now to the -- this is a new chat

09:57AM 25 now, a new date on that same page, the middle bubble on page

09:57AM 1 32. Mr. Miske sends you this text on November 7, 2015,

09:57AM 2 correct?

09:57AM 3 A Yes.

09:57AM 4 Q Does he send it to you and to John Stancil again, John

09:57AM 5 Blane shown on this text?

09:57AM 6 A Yes.

09:57AM 7 Q Was this a flier of some sort that was attached to the --

09:57AM 8 to the text message?

09:57AM 9 A Yes.

09:57AM 10 Q Okay. If we could go to very last page of this document,

09:57AM 11 Exhibit 6-137, do you see that?

09:57AM 12 A Yes.

09:57AM 13 Q Is that the flier that was attached to the text message

09:57AM 14 sent on November 7th?

09:57AM 15 A Yes.

09:57AM 16 Q What was this flier for?

09:57AM 17 A Wayne Miller's son's first birthday.

09:57AM 18 Q Okay. So this is John Duke's first birthday barbecue at

09:58AM 19 Makaha Valley Riding Stables?

09:58AM 20 A Yes.

09:58AM 21 Q Okay. All right. We go back to page 32.

09:58AM 22 THE COURT: This is the last page of Exhibit 1-637,

09:58AM 23 right?

09:58AM 24 MR. INCIONG: Correct, Your Honor, thank you.

09:58AM 25 BY MR. INCIONG:

09:58AM 1 Q So we're going to go back to number page 32 of that same  
09:58AM 2 exhibit. After he -- after Mr. Miske sent you the flier, he  
09:58AM 3 sends you a text, correct?

09:58AM 4 A Yes.

09:58AM 5 Q Don't forget this?

09:58AM 6 A Yes.

09:58AM 7 Q Okay. Can we go to next page, page 33? He sends three  
09:58AM 8 more texts within it's important?

09:58AM 9 A Yes.

09:58AM 10 Q Next text says 11:30.

09:58AM 11 That was the time that it was being held?

09:58AM 12 A Yes.

09:58AM 13 Q The next text is, Makaha?

09:58AM 14 A Yes.

09:58AM 15 Q That's the location. And then if we go to page 34, the  
09:58AM 16 next text says, don't be late, correct?

09:58AM 17 A Yes.

09:58AM 18 Q And then if we look at the final text message sent on that  
09:59AM 19 page on November 7, 2015, what does Mr. Miske text you and John  
09:59AM 20 Stancil?

09:59AM 21 A If you two fucking idiots don't reply and don't show for  
09:59AM 22 Miller's baby party, you're going to lose every fucking  
09:59AM 23 privilege within my circle. Understand that dummies.

09:59AM 24 Q What did you understand that to mean?

09:59AM 25 A That me and John Stancil will lose all the privilege in

09:59AM 1 his circle.

09:59AM 2 Q So these are some of the privileges that you talked about  
09:59AM 3 before that you would get the job opportunities?

09:59AM 4 A Yes.

09:59AM 5 Q Money?

09:59AM 6 A Yes.

09:59AM 7 Q Drinking for free, etcetera, at the M?

09:59AM 8 A Yes.

09:59AM 9 Q Protection. And you -- and he was threatening to take  
09:59AM 10 those away from you?

09:59AM 11 A Yes.

09:59AM 12 Q Was it these reasons at least part of why you committed  
09:59AM 13 the things like the assault and the chemical weapon attack?

09:59AM 14 A Yes.

10:00AM 15 MS. PANAGAKOS: Your Honor, if we're going change  
10:00AM 16 subjects, could we take a recess now? Our team has an urgent  
10:00AM 17 need for a recess.

10:00AM 18 THE COURT: You have a -- I'm sorry, I missed the last  
10:00AM 19 part.

10:00AM 20 MS. PANAGAKOS: Our team has an urgent need for a  
10:00AM 21 recess.

10:00AM 22 THE COURT: All right. Any objection, Mr. Inciong?

10:00AM 23 MR. INCIONG: That's all right.

10:00AM 24 THE COURT: We're a little bit early on the break but  
10:00AM 25 that's fine. We're at 10:00. As we go to break, I'll remind



10:00AM 1 our jurors to please refrain from discussing the substance of  
10:00AM 2 this case with anyone, including one another, until I advise  
10:00AM 3 otherwise; refrain from accessing, please, any media or other  
10:00AM 4 accounts of this case that may be out there; and finally,  
10:00AM 5 please do not conduct any independent investigation into the  
10:00AM 6 facts, circumstances or persons involved.

10:00AM 7 Ms. Panagakos, just let Ms. Kimura know when you're  
10:00AM 8 ready to resume.

10:00AM 9 (Proceedings were recessed at 10:00 a.m. to 10:23  
10:23AM 10 a.m.)

10:23AM 11 THE COURT: All right. Back from our first morning  
10:23AM 12 break of the trial day.

10:23AM 13 Mr. Inciong, you may resume with your examination of  
10:23AM 14 Mr. Freitas.

10:23AM 15 MR. INCIONG: Thank you, Your Honor.

10:23AM 16 BY MR. INCIONG:

10:23AM 17 Q Mr. Freitas, when we had left off, we had discussed the  
10:23AM 18 birthday party for Wayne Miller's son that was going to occur  
10:23AM 19 in November of 2015. Do you recall that?

10:23AM 20 A Yes.

10:23AM 21 Q Shortly after that birthday party, did you learn that  
10:23AM 22 there'd been a serious car accident involving Caleb Miske and  
10:23AM 23 Jonathan Fraser?

10:23AM 24 A Yes.

10:23AM 25 Q How did you learn about that?

10:23AM 1 A From my family.

10:23AM 2 Q Did you respond to the hospital and -- once you got that  
10:23AM 3 news?

10:23AM 4 A Yes.

10:23AM 5 Q Do you recall where Mr. Fraser and Mr. Miske were being  
10:23AM 6 treated?

10:23AM 7 A Yes.

10:23AM 8 Q Where was that?

10:23AM 9 A Queens.

10:24AM 10 Q So what did you observe or see when you got to Queens  
10:24AM 11 Hospital?

10:24AM 12 A Caleb in the hospital bed.

10:24AM 13 Q This was a serious car accident, correct?

10:24AM 14 A Yes.

10:24AM 15 Q Both -- both Mr. Fraser and Mr. Miske were in bad shape?

10:24AM 16 A Yes.

10:24AM 17 Q You indicated that you had gotten to know Caleb fairly  
10:24AM 18 well, true?

10:24AM 19 A Yes.

10:24AM 20 Q Now, you mentioned that you knew Mr. Fraser and described  
10:24AM 21 the incident about a year before where he had tried to retrieve  
10:24AM 22 the watch from him at Kaneohe district park?

10:24AM 23 A Yes.

10:24AM 24 Q Had you had any other contact with Mr. Fraser since then?

10:24AM 25 A I seen him here and there.

10:24AM 1 Q What were your impressions of Jonathan Fraser?

10:24AM 2 A Good kid.

10:24AM 3 Q He had never held a grudge or anything against you despite  
10:24AM 4 what had happened at the Kaneohe district park?

10:25AM 5 A No, sir.

10:25AM 6 MR. INCIONG: So could I show Mr. Freitas only  
10:25AM 7 Exhibit 1-32, please?

10:25AM 8 THE COURT: Go ahead.

10:25AM 9 BY MR. INCIONG:

10:25AM 10 Q Do you recognize who's shown in this photograph, sir?

10:25AM 11 A Yes.

10:25AM 12 Q Who do you recognize that as?

10:25AM 13 A Jonathan Fraser.

10:25AM 14 Q And does that show Mr. Fraser's appearance about the time  
10:25AM 15 of the accident or shortly thereof?

10:25AM 16 A Yes.

10:25AM 17 Q Okay. Now, you previously identified a -- a picture of  
10:25AM 18 Mr. Fraser in this trial, correct?

10:25AM 19 A Yes.

10:25AM 20 Q Does he look significantly different in these two photos?

10:25AM 21 A Yes.

10:25AM 22 Q What is the -- the main difference that you see?

10:25AM 23 A His hair.

10:25AM 24 Q Besides the hair though, do you recognize this as being a  
10:25AM 25 photo of Mr. Fraser showing him as he appeared in 2015?

10:25AM 1 A Yes.

10:25AM 2 MR. INCIONG: Your Honor, I believe this has been  
10:25AM 3 admitted into evidence, so I -- I would ask to publish it.

10:25AM 4 THE COURT: It has and you may.

10:25AM 5 MR. INCIONG: Thank you.

10:25AM 6 BY MR. INCIONG:

10:25AM 7 Q So this is Mr. Fraser with his -- just hair much longer  
10:26AM 8 than the -- the other photo that you were shown yesterday?

10:26AM 9 A Yes.

10:26AM 10 MR. INCIONG: Okay. We can take that down.

10:26AM 11 BY MR. INCIONG:

10:26AM 12 Q So what was the mood like at the hospital would you say  
10:26AM 13 when you got there?

10:26AM 14 A Everybody was sad.

10:26AM 15 Q Okay. There were lots of family there?

10:26AM 16 A Yes.

10:26AM 17 Q Was Mr. Miske there?

10:26AM 18 A Yes.

10:26AM 19 Q Did you have any interaction with him?

10:26AM 20 A A brief.

10:26AM 21 Q So it was -- it was a tough time for everyone in the  
10:26AM 22 family?

10:26AM 23 A Yes.

10:26AM 24 Q Did you visit the hospital on a number of occasions after  
10:26AM 25 that?

10:26AM 1 A Two -- two times maybe three times.

10:26AM 2 Q Did you stop visiting the hospital?

10:26AM 3 A Yes.

10:26AM 4 Q Was there a reason why you stopped?

10:26AM 5 A Mike kicked me out.

10:26AM 6 Q Mike Miske kicked you out?

10:26AM 7 A Yes.

10:26AM 8 Q Why?

10:26AM 9 A One night I was in town and my car ran out of gas and I

10:26AM 10 put gas at the Shell gas station. It was like \$20. He was

10:27AM 11 upset that I stole from him.

10:27AM 12 Q Had you used a -- a company credit card or something?

10:27AM 13 A No.

10:27AM 14 Q What do you mean by he thought you stole from him?

10:27AM 15 A So when I fill up gas, the gas station people at Shell

10:27AM 16 knows me as working for Mike and the businesses.

10:27AM 17 Q Okay.

10:27AM 18 A So they just -- I tell them what pump number and I can

10:27AM 19 fill up gas.

10:27AM 20 Q Okay.

10:27AM 21 A At that time, I wasn't working for Mike.

10:27AM 22 Q Okay. So this is one of the times you'd been fired?

10:27AM 23 A Yes.

10:27AM 24 Q All right. So you just didn't have money to pay at that

10:27AM 25 time?

10:27AM 1 A Yes.

10:27AM 2 Q All right. So you filled up with \$20 you said?

10:27AM 3 A Yes, I believe \$20.

10:27AM 4 Q Did Mr. Miske find out about that?

10:27AM 5 A Yes.

10:27AM 6 Q Did he bring that to your attention?

10:27AM 7 A Yes.

10:27AM 8 Q Where was that?

10:27AM 9 A At the hospital.

10:27AM 10 Q So what did he tell you when he saw you at the hospital?

10:27AM 11 A Stay the fuck away from my family. You're no longer

10:28AM 12 welcome.

10:28AM 13 Q Did that --

10:28AM 14 A He grabbed me by my next and escorted me out the hospital.

10:28AM 15 Q Was there any other reason that you know of other than

10:28AM 16 the -- this gas thing that made him so angry?

10:28AM 17 A Probably not me showing up for Caleb but it was hard for

10:28AM 18 me to show up.

10:28AM 19 Q So you weren't not visiting him regularly?

10:28AM 20 A No.

10:28AM 21 Q Explain why it was hard for you to -- to go there?

10:28AM 22 A Because that day I was supposed to be with him and I

10:28AM 23 didn't go with him.

10:28AM 24 Q The day of the accident you're referring to?

10:28AM 25 A Yes.

10:28AM 1 Q But did you for some reason feel guilty about that?

10:28AM 2 A Yes, I did.

10:28AM 3 Q Even though it was a random car accident?

10:28AM 4 A No.

10:28AM 5 Q Did you explain that to Mr. Miske?

10:29AM 6 A No, I never did.

10:29AM 7 Q Did you ever go back to the hospital after that date?

10:29AM 8 A No.

10:29AM 9 Q Did you, in fact, leave town at some point after that?

10:29AM 10 A Yes. I moved back to Vegas.

10:29AM 11 THE COURT REPORTER: You said you moved back to?

10:29AM 12 THE WITNESS: Vegas.

10:29AM 13 BY MR. INCIONG:

10:29AM 14 Q Why did you move back to Vegas?

10:29AM 15 A To -- for employment.

10:29AM 16 Q Did you find employment there?

10:29AM 17 A Yes.

10:29AM 18 Q What were you doing there?

10:29AM 19 A I did tile. I worked for the union.

10:29AM 20 Q So if we fast forward then to the following year of March  
10:29AM 21 of 2016, did you find out that Caleb had passed away?

10:29AM 22 A Yes.

10:29AM 23 Q How did you find out about that?

10:29AM 24 A I got a call from my dad saying that Caleb passed away.

10:29AM 25 Q You were still in Las Vegas at the time?

10:29AM 1 A Yes.

10:29AM 2 Q Did you come back to Hawaii relatively soon after that?

10:30AM 3 A Yes. I came back for the funeral.

10:30AM 4 Q Did you attend the funeral?

10:30AM 5 A Yes.

10:30AM 6 Q While you were in Las Vegas, did you stay in touch with

10:30AM 7 any of your cousins or family?

10:30AM 8 A I stayed in touch with my cousin John.

10:30AM 9 Q John Stancil?

10:30AM 10 A Yes.

10:30AM 11 Q Okay. Your relationship was good?

10:30AM 12 A Yes.

10:30AM 13 Q It was not unchanged by what had happened?

10:30AM 14 A No.

10:30AM 15 Q When you came back to Hawaii, were things eventually

10:30AM 16 patched up at least a bit with you and Mr. Miske?

10:30AM 17 A Yes.

10:30AM 18 Q How did that happen?

10:30AM 19 A We was at the bay, Maunalua Bay. I met him over there.

10:30AM 20 Q What -- what took place at that time? Did you have a

10:30AM 21 conversation?

10:30AM 22 A Yeah, we had a conversation. He asked me if I wanted to

10:30AM 23 come back and help sell some vehicles for him at -- for Hawai'i

10:31AM 24 Partners.

10:31AM 25 Q Similar to what you'd been doing before?



10:31AM 1 A Yes.

10:31AM 2 Q Did you agree to do that?

10:31AM 3 A Yes.

10:31AM 4 Q Now, I want to show you Exhibit 1-11 -- I'm sorry. 1-144.

10:31AM 5 That's 1-144 which has been previously admitted, so we can

10:31AM 6 publish that as well.

10:31AM 7 THE COURT: This has not been admitted to my

10:31AM 8 knowledge.

10:31AM 9 MR. KENNEDY: I agree, Your Honor.

10:31AM 10 MR. INCIONG: Okay. My mistake. Let me lay some

10:31AM 11 foundation then.

10:31AM 12 BY MR. INCIONG:

10:31AM 13 Q Mr. Freitas, do you recognize what's been shown in --

10:31AM 14 MR. INCIONG: And if we could just show Mr. Freitas,

10:31AM 15 thank you. Could we --

10:31AM 16 BY MR. INCIONG:

10:31AM 17 Q Could you describe -- do you recognize what's shown in

10:31AM 18 Exhibit 1-144?

10:31AM 19 A Yes.

10:31AM 20 Q How do you recognize that?

10:31AM 21 A It's the Maunalua beach park, where we launch our skis.

10:31AM 22 Q Is this the area you refer to as the bay when you were

10:31AM 23 met -- met at the bay?

10:31AM 24 A No. It's a little bit down at another park, same area.

10:32AM 25 Q Okay. Same general area?

10:32AM 1 A Um-hm.

10:32AM 2 Q Is this where you would meet for gatherings on various  
10:32AM 3 occasions?

10:32AM 4 A Yes.

10:32AM 5 Q Does this overhead photo accurately show that area as you  
10:32AM 6 know it?

10:32AM 7 A Yes.

10:32AM 8 MR. INCIONG: Your Honor, I would admit -- move to  
10:32AM 9 admit 1-144.

10:32AM 10 THE COURT: Any objection?

10:32AM 11 MR. KENNEDY: No objection.

10:32AM 12 THE COURT: Without objection 1-144 is admitted. You  
10:32AM 13 may publish.

10:32AM 14 MR. INCIONG: Thank you, Your Honor.

10:32AM 15 (Exhibit 1-144 was received in evidence.)

10:32AM 16 BY MR. INCIONG:

10:32AM 17 Q So is this the area where you describe where Mr. Miske  
10:32AM 18 offered you to come back and work for Hawai'i Partners?

10:32AM 19 A Around that area, yes.

10:32AM 20 Q Okay. Let me show you another exhibit. I'm pretty sure  
10:32AM 21 these have been admitted so let me start with 1-1023. Do you  
10:32AM 22 recognize that?

10:32AM 23 A Yes.

10:32AM 24 Q Is that just another view of that same general area?

10:32AM 25 A Yes.

10:33AM 1 Q Is that where you would gather to jet ski as you  
10:33AM 2 indicated?

10:33AM 3 A Yes.

10:33AM 4 MR. INCIONG: Okay. And if we could show  
10:33AM 5 Exhibit 1-1022 which has also been admitted, please.

10:33AM 6 THE COURT: Yes.

10:33AM 7 BY MR. INCIONG:

10:33AM 8 Q Do you recognize that?

10:33AM 9 A Yes.

10:33AM 10 Q Does that show the -- the area around the bay in Hawaii  
10:33AM 11 Kai?

10:33AM 12 A Yes.

10:33AM 13 MR. INCIONG: Your Honor, could we publish 1-022 at  
10:33AM 14 this time?

10:33AM 15 THE COURT: Yes. Both of those exhibits have been  
10:33AM 16 admitted. That's 1-1022 and 1-1023.

10:33AM 17 MR. INCIONG: Okay, great. I think we can just show  
10:33AM 18 him 1022 would be fine.

10:33AM 19 BY MR. INCIONG:

10:33AM 20 Q So, Mr. Freitas, could you just show with like an X or  
10:33AM 21 mark where you would gather for these outings where you would  
10:33AM 22 jet ski and so forth in that area that's shown on this  
10:33AM 23 particular shot? Okay. All right. All right.

10:34AM 24 So you came back to Hawaii then, correct?

10:34AM 25 A Yes.

10:34AM 1 Q All right. You were working at Hawai'i Partners for

10:34AM 2 Mr. Miske again?

10:34AM 3 A Yes.

10:34AM 4 Q Were you hanging out with the -- the -- the same people as

10:34AM 5 before John Stancil, Jake Smith and so forth?

10:34AM 6 A Yes.

10:34AM 7 Q Did you know an individual by the name of Mike Char?

10:34AM 8 A Yes.

10:34AM 9 Q How did you know Mike Char?

10:34AM 10 A He lived in Waimanalo.

10:34AM 11 Q That was where you had a lot of family?

10:34AM 12 A Yes.

10:34AM 13 Q Did you know if Mike Char was involved in any sort of

10:34AM 14 criminal activity?

10:34AM 15 A Yes. He was a drug dealer in Waimanalo.

10:34AM 16 Q Would you ever hang out with Mike Char?

10:34AM 17 A Here and there.

10:34AM 18 Q After you had come back from Hawaii and after Caleb's

10:35AM 19 funeral, did you plan a robbery of Mike Char?

10:35AM 20 A Yes.

10:35AM 21 Q Tell the jury how that came about.

10:35AM 22 A We found out that Mike Char had a large sum of money. And

10:35AM 23 we robbed him.

10:35AM 24 Q So once you found that out, you wanted to rob him?

10:35AM 25 A Yes.

10:35AM 1 Q Was it just you or were there others involved?

10:35AM 2 A There was others involves.

10:35AM 3 MR. INCIONG: Before I ask you about who those people

10:35AM 4 were, could we show Mr. Freitas only please Exhibit 1-634A?

10:35AM 5 And this is on the third government supplemental list, Your

10:35AM 6 Honor. 643. If I said 634, this trial is causing me dyslexia

10:36AM 7 I think. Sorry.

10:36AM 8 THE COURT: 1-643A.

10:36AM 9 MR. INCIONG: Yes.

10:36AM 10 THE COURT: I have it.

10:36AM 11 BY MR. INCIONG:

10:36AM 12 Q 1-643A is now on the screen in front of you, Mr. Freitas.

10:36AM 13 Do you see that exhibit?

10:36AM 14 A Yes.

10:36AM 15 Q Have you seen that before?

10:36AM 16 A Yes.

10:36AM 17 Q Do you see the -- the thumbnail on there?

10:36AM 18 A Yes.

10:36AM 19 Q Did you watch the video that's attached to that thumbnail

10:36AM 20 prior to testifying in this matter?

10:36AM 21 A Yes.

10:36AM 22 Q Did you recognize that particular video?

10:36AM 23 A Yes.

10:36AM 24 Q Do you recall recording that video on the phone that you

10:36AM 25 thought you lost?

10:36AM 1 A Yes.

10:36AM 2 Q Are you in that video?

10:36AM 3 A Yes.

10:36AM 4 Q Did you recognize who else is in that video?

10:36AM 5 A Yes.

10:36AM 6 Q Okay. Is that an accurate -- the -- the video you showed,

10:36AM 7 does it accurately -- an accurate copy or version of the video

10:36AM 8 that you took of yourself?

10:36AM 9 A Yes.

10:36AM 10 MR. INCIONG: Your Honor, I would move to admit

10:37AM 11 Exhibit 1-643B which is the actual video. And this is for the

10:37AM 12 foundation and authenticity the parties have stipulated this is

10:37AM 13 an extracted material from the cell phone.

10:37AM 14 THE COURT: So 643B is the actual video that is shown

10:37AM 15 in the thumbnail on 643A?

10:37AM 16 MR. INCIONG: Yes. Yes.

10:37AM 17 THE COURT: Any objection, Counsel?

10:37AM 18 MR. KENNEDY: No objection.

10:37AM 19 THE COURT: Without objection 1-643 Bravo is admitted

10:37AM 20 and you may play it.

10:37AM 21 MR. INCIONG: Thank you, Your Honor.

10:37AM 22 (Exhibit 1-643B was received in evidence.)

10:37AM 23 (Video was played.)

10:38AM 24 BY MR. INCIONG:

10:38AM 25 Q So did you recognize whose voice that is?

10:38AM 1 A Yes.

10:38AM 2 Q Whose voice was that?

10:38AM 3 A Mine.

10:38AM 4 Q And the face that was shown wearing the hat, who was that?

10:38AM 5 A Mike Char.

10:38AM 6 Q He's the person driving the vehicle?

10:38AM 7 A Yes.

10:38AM 8 Q Okay. You were in the front passenger seat?

10:38AM 9 A Yes.

10:38AM 10 Q Was that you holding the money?

10:38AM 11 A Yes.

10:38AM 12 Q Is that the money that you were referencing?

10:38AM 13 A Yes.

10:38AM 14 Q You said, we stack in Hawaii?

10:38AM 15 A Um-hm.

10:38AM 16 Q What does that mean?

10:38AM 17 A Large amount of money.

10:38AM 18 Q So that looked like -- it was a couple large stacks or

10:38AM 19 bundles of -- of bills. Were you aware of the -- the

10:38AM 20 denomination of -- of what was in all of those stacks?

10:38AM 21 A At the time, no.

10:38AM 22 Q What did you believe it to be?

10:38AM 23 A A hundred thousand.

10:38AM 24 Q Were the -- at least the bills you could see on the top or

10:38AM 25 bottom of those stacks, could you see what those were?

10:38AM 1 A Yes.

10:38AM 2 Q What -- what denomination were those?

10:38AM 3 A Hundred dollar bills.

10:39AM 4 Q So this -- let me ask you about this particular phone.

10:39AM 5 Earlier you testified that you thought you had lost this phone,

10:39AM 6 correct?

10:39AM 7 A Yes.

10:39AM 8 Q Why did you think you'd lost the phone?

10:39AM 9 A Because I thought Mike threw it in the ocean.

10:39AM 10 Q When did he throw it in the ocean?

10:39AM 11 A The next day after the robbery at Maunalua Bay.

10:39AM 12 Q So we'll get to that in a second. But -- so this video,

10:39AM 13 did you share this video with anyone else after you took it?

10:39AM 14 A No, I don't believe so, maybe Snapchat but...

10:39AM 15 Q Did you share the information you had with anyone else

10:39AM 16 that you believe Mike Char had what -- what you thought could

10:39AM 17 be a hundred thousand dollars?

10:39AM 18 A Yes.

10:39AM 19 Q Who did you share that information with?

10:39AM 20 A John Stancil.

10:39AM 21 Q Anyone else?

10:39AM 22 A Yes. Keoni Adric, Lance Bermudez, Frankie and Keli'i

10:40AM 23 Foster.

10:40AM 24 Q Why did you share that information with those people?

10:40AM 25 A Because we wanted to set up a robbery.



10:40AM 1 Q Did you, in fact, set up a robbery?

10:40AM 2 A Yes.

10:40AM 3 Q Before I get to that, let me ask you: You've identified

10:40AM 4 Mr. Stancil before.

10:40AM 5 MR. INCIONG: If we could show Mr. Freitas

10:40AM 6 Exhibit 1-40, please. And if we could publish that.

10:40AM 7 THE COURT: Yes.

10:40AM 8 MR. INCIONG: And could we next show Mr. Freitas 1-58

10:40AM 9 which is another photo of Mr. Stancil. And which has also been

10:40AM 10 admitted if we could publish that.

10:40AM 11 THE COURT: Yes.

10:40AM 12 BY MR. INCIONG:

10:40AM 13 Q Do you recognize those both being Mr. Stancil, correct?

10:40AM 14 A Yes.

10:40AM 15 MR. INCIONG: Okay. If we could show Mr. Freitas only

10:40AM 16 Exhibit 1-31 now.

10:40AM 17 BY MR. INCIONG:

10:40AM 18 Q Do you recognize this photo?

10:40AM 19 A Yes.

10:40AM 20 Q Who do you recognize that as?

10:40AM 21 A Keli'i.

10:40AM 22 Q Keli'i, do you know his last name?

10:41AM 23 A Foster.

10:41AM 24 Q How do you know Keli'i Foster?

10:41AM 25 A I met him here and there from the nightclub and partying.

10:41AM 1 Q Why was he someone that you chose to share the information  
10:41AM 2 about the money Mike Char had?

10:41AM 3 A He was just one of our friends.

10:41AM 4 Q All right. Does this photo accurately show Keli'i Foster?

10:41AM 5 A Yes.

10:41AM 6 MR. INCIONG: Your Honor, I would move to admit  
10:41AM 7 Exhibit 1-31.

10:41AM 8 THE COURT: Any objection?

10:41AM 9 MR. KENNEDY: No objection.

10:41AM 10 THE COURT: 1-31 is admitted without objection. You  
10:41AM 11 may publish.

10:41AM 12 (Exhibit 1-31 was received in evidence.)

10:41AM 13 MR. INCIONG: Thank you, Your Honor. Next I'd like  
10:41AM 14 Mr. Freitas to look at Exhibit 1-896. I believe this is on --  
10:41AM 15 was one of our supplemental exhibit lists, second I believe.

10:41AM 16 THE COURT: I've got this on the original. Go ahead.

10:41AM 17 MR. INCIONG: Okay. Thank you.

10:41AM 18 BY MR. INCIONG:

10:41AM 19 Q Do you recognize, Mr. Freitas, Exhibit 1-896?

10:42AM 20 MR. KENNEDY: Your Honor, just before we go too far, I  
10:42AM 21 also have it on the third supplemental, so I don't know which  
10:42AM 22 one it is, but I wanted to clear that up first. It looks like  
10:42AM 23 there's a -- is there a 1.8? Was it -- maybe I'm mistaken. It  
10:42AM 24 was my mistake, Your Honor. I thought I saw an eight there.

10:42AM 25 Go ahead, Counsel, sorry to interrupt.

10:42AM 1 MR. INCIONG: No problem, thank you.

10:42AM 2 BY MR. INCIONG:

10:42AM 3 Q Mr. Freitas, do you recognize the individual shown in  
10:42AM 4 1-896?

10:42AM 5 A Yes.

10:42AM 6 Q Who do you recognize that as?

10:42AM 7 A Frank Silva.

10:42AM 8 Q How do you know Frank Silva?

10:42AM 9 A That's an associate, a friend.

10:42AM 10 Q And does this photo accurately show Mr. Silva?

10:42AM 11 A Yes.

10:42AM 12 MR. INCIONG: Your Honor, I would move to admit

10:42AM 13 Exhibit 1-896.

10:42AM 14 THE COURT: Any objection, Mr. Kennedy?

10:42AM 15 MR. KENNEDY: No, no objection, Your Honor.

10:42AM 16 THE COURT: Without objection 1-896 is admitted and  
10:42AM 17 you may show the jury.

10:42AM 18 MR. INCIONG: Thank you, Your Honor.

10:42AM 19 (Exhibit 1-896 was received in evidence.)

10:42AM 20 BY MR. INCIONG:

10:42AM 21 Q So the jury can now see that's Frank Silva?

10:43AM 22 A Yes.

10:43AM 23 Q Does he also go by Frankie Silva?

10:43AM 24 A Yes.

10:43AM 25 Q Finally, Mr. Freitas, can I have you look at Exhibit 1-34

10:43AM 1 which has been previously admitted? Do you recognize the

10:43AM 2 individual in that photo?

10:43AM 3 A Yes.

10:43AM 4 Q Who is that?

10:43AM 5 A Lance Bermudez.

10:43AM 6 Q And this is another one of the individuals you told about

10:43AM 7 Mr. Char's cash?

10:43AM 8 A Yes.

10:43AM 9 MR. INCIONG: Your Honor, could we publish 1-34?

10:43AM 10 THE COURT: You may.

10:43AM 11 MR. INCIONG: And, Your Honor, may we utilize the face

10:43AM 12 board to display the photos of those four individuals?

10:43AM 13 THE COURT: Yes, you may.

10:43AM 14 BY MR. INCIONG:

10:43AM 15 Q So, Mr. Freitas, so what was the -- what was the plan that

10:43AM 16 was discussed as to how you were going to set up Mr. Char?

10:44AM 17 A We was going to lure him to Maunalua Bay and act like me

10:44AM 18 and John got robbed.

10:44AM 19 Q So who was going to actually commit the robbery then?

10:44AM 20 A Lance Bermudez, Keoni Adric, Keli'i Foster and Frankie.

10:44AM 21 Q So you and John Stancil were going to be decoys basically?

10:44AM 22 A Yes.

10:44AM 23 Q Were you with Mr. Char at the time?

10:44AM 24 A Yes.

10:44AM 25 Q How did you, in fact, lure him to Maunalua Bay?

10:44AM 1 A We drove -- we were hanging out earlier on the beach in  
10:44AM 2 that video, and we drove back to Waimanalo and then we drove  
10:44AM 3 back to Maunalua Bay.

10:44AM 4 Q Was there a reason you gave to Mr. Char why you had to go  
10:44AM 5 all the way back to Maunalua Bay?

10:44AM 6 A I think he forgot something maybe at his house. He had to  
10:44AM 7 grab it and come back.

10:44AM 8 Q So is it the same area at Maunalua Bay that you just  
10:44AM 9 identified a few moments ago where you would have the  
10:44AM 10 gatherings?

10:44AM 11 A Yes.

10:44AM 12 Q So did you, in fact, end up arriving at Maunalua Bay with  
10:45AM 13 Mr. Char?

10:45AM 14 A Yes.

10:45AM 15 Q What happened when you got there?

10:45AM 16 A We sat down, hanged out for a little bit and those four  
10:45AM 17 guys came.

10:45AM 18 Q And the four you're talking about are Keli'i Foster,  
10:45AM 19 Frankie Silva, Lance Bermudez and Keoni Adric?

10:45AM 20 A Yes.

10:45AM 21 Q Did they all come in one vehicle?

10:45AM 22 A Yes.

10:45AM 23 Q Were they armed?

10:45AM 24 A I believe one or two of them was armed.

10:45AM 25 Q Were any of them wearing disguises of any sort?

10:45AM 1 A Black masks, all black.

10:45AM 2 Q All four of them?

10:45AM 3 A Yes.

10:45AM 4 Q Where were you when first saw this -- the car arrive with

10:45AM 5 these four?

10:45AM 6 A I was underneath the tent.

10:45AM 7 Q With Mr. Char?

10:45AM 8 A Yes. And John.

10:45AM 9 Q What happened then?

10:45AM 10 A They came up to us and they grabbed Mike Char and started

10:45AM 11 beating him and taking his clothes off.

10:45AM 12 Q Why did they do that?

10:45AM 13 A To find the keys to his car.

10:46AM 14 Q He had driven there?

10:46AM 15 A Yes.

10:46AM 16 Q What were you and Mr. Stancil doing at the time?

10:46AM 17 A We was in the area laid down.

10:46AM 18 Q Were you acting as if you were being robbed as well?

10:46AM 19 A Yes.

10:46AM 20 Q But you were not?

10:46AM 21 A No.

10:46AM 22 Q That was part of the plan?

10:46AM 23 A Yes.

10:46AM 24 Q So when you say they were beating Mr. Char, what -- can

10:46AM 25 you be more specific as to what was happening?

10:46AM 1 A They was punching him and kicking him.

10:46AM 2 Q Was he pistol whipped at any point?

10:46AM 3 A I'm not too sure. I didn't see. My face was down.

10:46AM 4 Q Could -- could you see whether Mr. Char ever fell to the

10:46AM 5 ground or was taken to the ground?

10:46AM 6 A Yes.

10:46AM 7 Q When you say his clothes were taken off completely?

10:46AM 8 A He was left in his boxers.

10:46AM 9 Q Was anything else taken from Mr. Char?

10:46AM 10 A His vehicle --

10:46AM 11 Q Did --

10:46AM 12 A And his keys.

10:46AM 13 Q This money that we saw in the video, was that in

10:46AM 14 Mr. Char's possession at the time?

10:46AM 15 A Not in his possession. It was inside his vehicle.

10:47AM 16 Q The vehicle was taken?

10:47AM 17 A Yes.

10:47AM 18 Q The money inside?

10:47AM 19 A Yes.

10:47AM 20 Q Who took the vehicle?

10:47AM 21 A One of the guys. I'm not too sure who took it.

10:47AM 22 Q Was that vehicle driven away?

10:47AM 23 A Yes.

10:47AM 24 Q Mr. Char's vehicle?

10:47AM 25 A Yes.

10:47AM 1 Q So did those -- the four individuals that you named, did

10:47AM 2 they leave?

10:47AM 3 A Yes.

10:47AM 4 Q Did you and Mr. Stancil remain behind?

10:47AM 5 A Yes.

10:47AM 6 Q What happened then?

10:47AM 7 A Mike Char called the cops.

10:47AM 8 Q Did the police come?

10:47AM 9 A Yes, they came across the street. They didn't come to the

10:47AM 10 bay.

10:47AM 11 Q Why did they not come to the bay? Do you know?

10:47AM 12 A No, I don't know why they came to the bay. It was -- he

10:47AM 13 was across the street talking with them.

10:47AM 14 Q I see. So Mr. Char went across the street?

10:47AM 15 A Yes.

10:47AM 16 Q That's where he made contact with Honolulu police?

10:47AM 17 A Yes.

10:47AM 18 Q Did the police ever come and talk to you or Mr. Stancil?

10:47AM 19 A No.

10:47AM 20 Q Before I ask you what happened next, I want to show you a

10:47AM 21 series of photos.

10:47AM 22 MR. INCIONG: Could we show Mr. Freitas only

10:47AM 23 Exhibit 1-153 to start, please?

10:47AM 24 BY MR. INCIONG:

10:48AM 25 Q Do you see 1-153, Mr. Freitas?



10:48AM 1 A Yes.

10:48AM 2 Q Do you know who's shown in that photograph?

10:48AM 3 A Yes.

10:48AM 4 Q Who do you recognize that as?

10:48AM 5 A Mike Char.

10:48AM 6 Q Does that show Mike Char as he appeared after the robbery  
10:48AM 7 at Maunalua Bay?

10:48AM 8 A Yes.

10:48AM 9 MR. INCIONG: Could we show Mr. Freitas 1-154 next?

10:48AM 10 BY MR. INCIONG:

10:48AM 11 Q Do you recognize that photo?

10:48AM 12 A Yes.

10:48AM 13 Q Who do you recognize there?

10:48AM 14 A Mike Char.

10:48AM 15 Q Does it show Mr. Char after the robbery at Maunalua Bay on  
10:48AM 16 that day?

10:48AM 17 A Yes.

10:48AM 18 MR. INCIONG: Could we go next to 1-155? I'm sorry,  
10:48AM 19 1-155. I said it wrong again. 155. Okay. Thank you.

10:48AM 20 BY MR. INCIONG:

10:48AM 21 Q Is that somebody that you recognize?

10:48AM 22 A Yes.

10:48AM 23 Q Does that accurately show the person you recognized on --  
10:49AM 24 on that day?

10:49AM 25 A Yes.

10:49AM 1 Q Who do you recognize that as?

10:49AM 2 A Mike Char.

10:49AM 3 MR. INCIONG: Your Honor, I would move to admit

10:49AM 4 Exhibits 1-153, 1-154 and 1-155.

10:49AM 5 THE COURT: Mr. Kennedy, any objection?

10:49AM 6 MR. KENNEDY: No objection.

10:49AM 7 THE COURT: Without objection those three exhibits are  
10:49AM 8 admitted and you may publish. That's 1-153, 154, 155.

10:49AM 9 (Exhibits 1-153, 1-154 and 1-155 were received in evidence.)

10:49AM 10 MR. INCIONG: Thank you.

10:49AM 11 BY MR. INCIONG:

10:49AM 12 Q So let's start with 1-154, please. So this is Mike Char?

10:49AM 13 A Yes.

10:49AM 14 Q So the -- the area around his forehead and above his both  
10:49AM 15 eyes, do you see that area?

10:49AM 16 A Yes.

10:49AM 17 Q Did he look like that before the four individuals you  
10:49AM 18 named arrived at Maunalua Bay?

10:49AM 19 A No.

10:49AM 20 Q Were those injuries he received in the -- the beating that  
10:49AM 21 you referenced?

10:49AM 22 A Yes.

10:49AM 23 MR. INCIONG: Could we show next 1-153? And if we  
10:50AM 24 could focus on the head portion.

10:50AM 25 BY MR. INCIONG:

10:50AM 1 Q So that's Mr. Char again?

10:50AM 2 A Yes.

10:50AM 3 Q Do you see the red marks on -- on his head and forehead

10:50AM 4 and neck as well?

10:50AM 5 A Yes.

10:50AM 6 Q Did he have those earlier in the day before you went with

10:50AM 7 him to Maunalua Bay?

10:50AM 8 A No.

10:50AM 9 MR. INCIONG: Finally, could we look at 1-155?

10:50AM 10 BY MR. INCIONG:

10:50AM 11 Q Is this just a view of the other side of Mr. Char's head

10:50AM 12 and face?

10:50AM 13 A Yes.

10:50AM 14 Q And do you see redness along the -- the side of his head

10:50AM 15 and -- and jaw area?

10:50AM 16 A Yes.

10:50AM 17 Q Was that there when you saw him earlier in the day?

10:50AM 18 A No.

10:50AM 19 MR. INCIONG: Okay. We can take those down.

10:50AM 20 BY MR. INCIONG:

10:50AM 21 Q So when you saw Mr. Char speaking with the police across

10:50AM 22 the street from you at Maunalua Bay, what did you do?

10:50AM 23 A Me and John started packing up the bed, putting everything

10:51AM 24 inside the van and then leave.

10:51AM 25 Q So you're talking about the beach -- beach gear and things

10:51AM 1 of that nature?

10:51AM 2 A Yes.

10:51AM 3 Q Why were you leaving at that point?

10:51AM 4 A Because we didn't want to Mike -- let Mike know that we  
10:51AM 5 did it at the bay.

10:51AM 6 Q When you're referring to Mike, who's Mike?

10:51AM 7 A Miske.

10:51AM 8 Q When you say you did -- when you say did it, you're  
10:51AM 9 talking about the robbery?

10:51AM 10 A The robbery.

10:51AM 11 Q Why did you not want Mr. Miske to know that you'd done  
10:51AM 12 this robbery at the bay?

10:51AM 13 A Because that's his place that he goes to put flowers out  
10:51AM 14 for his son.

10:51AM 15 Q You're -- you're speaking of Caleb?

10:51AM 16 A Yes.

10:51AM 17 Q After Caleb passed away, was that a place that carried  
10:51AM 18 some extra special meaning to the family?

10:51AM 19 A Yes.

10:51AM 20 Q Why?

10:51AM 21 A Because that's where we spread his ashes.

10:51AM 22 Q So you didn't think about that beforehand?

10:51AM 23 A No.

10:51AM 24 Q So you were leaving hoping then not to have to speak with  
10:52AM 25 the police?

10:52AM 1 A Yes.

10:52AM 2 Q What happened as you left Maunalua Bay?

10:52AM 3 A I left and I got pulled over by the Portlock entry by the  
10:52AM 4 elementary school by HPD.

10:52AM 5 Q Why were you pulled over?

10:52AM 6 A Because I had a Honda Accord that looks -- fit the  
10:52AM 7 description of what the vehicle was stolen from -- from Mike  
10:52AM 8 Char.

10:52AM 9 Q So Honolulu police mistakenly thought that the vehicle you  
10:52AM 10 were driving was Mike Char's vehicle?

10:52AM 11 A Yes.

10:52AM 12 Q You had -- it -- it was not?

10:52AM 13 A No.

10:52AM 14 Q You just happened to have a similar make and model of car?

10:52AM 15 A Yes.

10:52AM 16 Q What make and model was it?

10:52AM 17 A My make and model was a Honda Accord.

10:52AM 18 Q Is that the same as Mr. Char's?

10:52AM 19 A His one was a Honda Civic.

10:52AM 20 Q Were the colors --

10:52AM 21 A Same color silver.

10:52AM 22 Q So did Honolulu police realize that your vehicle wasn't --  
10:52AM 23 was, in fact, not the one they were looking for?

10:53AM 24 A Yes.

10:53AM 25 Q Were you released?

10:53AM 1 A Yes.

10:53AM 2 Q Not cited or anything like that?

10:53AM 3 A No.

10:53AM 4 Q So after you were stopped by the police, what did you do?

10:53AM 5 A We went back to the bay.

10:53AM 6 Q Why?

10:53AM 7 A To set up everything so it looks like nothing happened

10:53AM 8 there.

10:53AM 9 Q Right. So was this again a further attempt to try and not

10:53AM 10 let Mr. Miske find out what had happened?

10:53AM 11 A Yes.

10:53AM 12 Q Did he find out what had happened?

10:53AM 13 A Yes.

10:53AM 14 Q How did he find out?

10:53AM 15 A Mike Char went to his house and told him what happened.

10:53AM 16 Q Why did Mike Char go to his -- to Mr. Miske's house?

10:53AM 17 MR. KENNEDY: Objection, speculation, Your Honor.

10:53AM 18 THE COURT: Sustained.

10:53AM 19 BY MR. INCIONG:

10:53AM 20 Q Did you later find out from Mr. Char or Mr. Miske why Mike

10:53AM 21 Char went there?

10:53AM 22 A To tell them --

10:53AM 23 MR. KENNEDY: Objection, compound.

10:53AM 24 THE COURT: Overruled. Go ahead.

10:53AM 25 THE WITNESS: Mike Char went to the house to tell Mike

10:53AM 1 that we robbed him at the bay.

10:53AM 2 BY MR. INCIONG:

10:53AM 3 Q What was Mr. Miske's reaction to that?

10:54AM 4 A He was upset that we did it over there at the bay.

10:54AM 5 Q How did you know he was upset?

10:54AM 6 A When we was at the bay, he came back in the morning, and  
10:54AM 7 he came to the morning. My car was outside, my cell phone was  
10:54AM 8 on the car, and he bent all my four doors back and some lights.

10:54AM 9 Q You say he bent your four doors back. What does that  
10:54AM 10 mean?

10:54AM 11 A He bent it the opposite way.

10:54AM 12 Q He pulled the doors open and pushed them the -- past where  
10:54AM 13 they're supposed to go?

10:54AM 14 A Yes.

10:54AM 15 Q Were the doors stuck in that position?

10:54AM 16 A Yes.

10:54AM 17 Q All four doors?

10:54AM 18 A All four doors.

10:54AM 19 Q Was your car operable at that point?

10:54AM 20 A No. I got it towed.

10:54AM 21 Q Did you watch him do this?

10:54AM 22 A Yes.

10:54AM 23 Q What was his demeanor during the time he was doing this?

10:54AM 24 A He was upset.

10:54AM 25 Q Upset or more than upset?

10:54AM 1 A Pissed off.

10:54AM 2 Q Was there any other damage to the vehicle?

10:54AM 3 A Just some lights was broken.

10:55AM 4 Q Did Mr. Miske say anything to you?

10:55AM 5 A He was screaming at us that we were fucking idiots.

10:55AM 6 Q Did you know why he was upset?

10:55AM 7 A Because we did the robbery at the bay.

10:55AM 8 Q Was it because you did the robbery or where you did the

10:55AM 9 robbery?

10:55AM 10 MR. KENNEDY: Objection on speculation, Your Honor.

10:55AM 11 THE COURT: Sustained.

10:55AM 12 BY MR. INCIONG:

10:55AM 13 Q Did Mr. Miske ever say anything to you about the location

10:55AM 14 when he was damaging your car?

10:55AM 15 A No, he didn't say nothing about the location. We know he

10:55AM 16 was upset because it was at the bay.

10:55AM 17 Q Okay. Now, you mentioned that your car -- your cell phone

10:55AM 18 was on the car?

10:55AM 19 A Yes.

10:55AM 20 Q And you testified a little bit ago that you thought Mike

10:55AM 21 threw that in the ocean?

10:55AM 22 A Yes.

10:55AM 23 Q Why did you think that?

10:55AM 24 A Because I never seen that phone since that day.

10:55AM 25 Q Okay. When did you next see the phone again?



10:55AM 1 A On 2/7/24.

10:55AM 2 Q February 7th?

10:55AM 3 A Yes.

10:55AM 4 Q Earlier this month?

10:55AM 5 A Yes.

10:55AM 6 Q You hadn't seen it before until -- so years?

10:56AM 7 A Years, yes.

10:56AM 8 MR. INCIONG: Okay. Could we show Mr. Freitas

10:56AM 9 Exhibit 1-638, please?

10:56AM 10 BY MR. INCIONG:

10:56AM 11 Q Mr. Freitas, this was -- do you recognize looking at this

10:56AM 12 particular exhibit before?

10:56AM 13 A Yes.

10:56AM 14 Q Before testifying today?

10:56AM 15 A Yes.

10:56AM 16 Q You recognize some of those photos that we showed you

10:56AM 17 earlier today from the M Nightclub, correct?

10:56AM 18 A Yes.

10:56AM 19 Q Were there also some other photos that you recognized that

10:56AM 20 were on your phone that had to do with your duties as working

10:56AM 21 for Hawai'i Partners?

10:56AM 22 A Yes.

10:57AM 23 MR. INCIONG: So if we could show Mr. Freitas

10:57AM 24 Exhibit 1-643 please to Mr. Freitas only.

10:57AM 25 BY MR. INCIONG:

10:57AM 1 Q Do you recognize that as being one of the photos you saw  
10:57AM 2 on this what you described as your old phone?

10:57AM 3 A Yes.

10:57AM 4 MR. INCIONG: Could we show Mr. Freitas Exhibit 1-644?

10:57AM 5 BY MR. INCIONG:

10:57AM 6 Q Do you recognize that as another photo that you saw on  
10:57AM 7 your old phone?

10:57AM 8 A Yes.

10:57AM 9 MR. INCIONG: Could we show Mr. Freitas Exhibit 1-645?

10:57AM 10 BY MR. INCIONG:

10:57AM 11 Q Do you recognize that photo?

10:57AM 12 A Yes.

10:57AM 13 Q Did you see that photo as one that was stored on your old  
10:57AM 14 phone as well?

10:57AM 15 A Yes.

10:57AM 16 MR. INCIONG: Could we show Mr. Freitas Exhibit 1-646?

10:57AM 17 BY MR. INCIONG:

10:57AM 18 Q Do you recognize this shot or screenshot it looks like?

10:58AM 19 A Yes.

10:58AM 20 Q Do you recognize that as being on your old phone as well?

10:58AM 21 A Yes.

10:58AM 22 MR. INCIONG: And then 1-647.

10:58AM 23 BY MR. INCIONG:

10:58AM 24 Q Do you recognize that as another ad that was on --  
10:58AM 25 preserved on your phone, your old phone?

10:58AM 1 A Yes.

10:58AM 2 MR. INCIONG: And finally, can we show Mr. Freitas

10:58AM 3 1-649?

10:58AM 4 BY MR. INCIONG:

10:58AM 5 Q Do you recognize that?

10:58AM 6 A Yes.

10:58AM 7 Q Is that also a photo that was on your old phone?

10:58AM 8 A Yes.

10:58AM 9 Q Do all of those photos marked as exhibits accurately show

10:58AM 10 them as you reviewed them on your old cell phone?

10:58AM 11 A Yes.

10:58AM 12 MR. INCIONG: Your Honor, I would move to admit

10:58AM 13 Exhibits 1-643, 644, 645, 646, 647 and 649.

10:58AM 14 THE COURT: Any objection, Counsel?

10:59AM 15 MR. KENNEDY: No objection, Your Honor, to 1-643

10:59AM 16 through 647 and then was it 649?

10:59AM 17 MR. INCIONG: Correct. I skipped 648. There's no

10:59AM 18 648.

10:59AM 19 MR. KENNEDY: Making sure, Counsel, thank you.

10:59AM 20 THE COURT: And did you have a view, Mr. Kennedy, on

10:59AM 21 649?

10:59AM 22 MR. KENNEDY: I'm sorry?

10:59AM 23 THE COURT: Did you have a view on 649?

10:59AM 24 MR. KENNEDY: No.

10:59AM 25 THE COURT: No objection?

10:59AM 1 MR. KENNEDY: No objection, Your Honor, for 649.

10:59AM 2 THE COURT: Sorry, sorry, I wasn't clear on that.

10:59AM 3 All right, without objection then, the exhibits

10:59AM 4 identified by Mr. Kennedy are each admitted. That's 1-643

10:59AM 5 through 647 and 1-649.

10:59AM 6 (Exhibits 1-643 through 1-647 and 1-649 were received in

10:59AM 7 evidence.)

10:59AM 8 MR. INCIONG: Thank you, Your Honor. May I publish

10:59AM 9 those one at a time?

10:59AM 10 THE COURT: Yes, you may.

10:59AM 11 BY MR. INCIONG:

10:59AM 12 Q So, Mr. Freitas, starting with Exhibit 1-164, can you tell

10:59AM 13 the jury what that is?

10:59AM 14 A It's a Honda Prelude 2003.

10:59AM 15 Q And the -- the entire content of that, is that an example

10:59AM 16 of an ad that would be placed by yourself or others on Hawai'i

11:00AM 17 Partners -- by Hawai'i Partners to sell the vehicles that you

11:00AM 18 purchased?

11:00AM 19 A Yes.

11:00AM 20 Q Can I have you look at 1-644? Same thing. Is that

11:00AM 21 another example of a listing you would put on Craigslist or

11:00AM 22 some of those other online --

11:00AM 23 A Yes.

11:00AM 24 MR. INCIONG: Okay. 1-645, if we can show that to the

11:00AM 25 jury, please.

11:00AM 1 BY MR. INCIONG:

11:00AM 2 Q This is another example that you recall?

11:00AM 3 A Yes.

11:00AM 4 MR. INCIONG: Could we show 1-646, please?

11:00AM 5 BY MR. INCIONG:

11:00AM 6 Q This another ad for Hawai'i Partners?

11:00AM 7 A Yes.

11:00AM 8 Q All right. 1-647. Another Hawai'i Partners ad?

11:00AM 9 A Yes.

11:00AM 10 Q Then finally, I want to you look at 1-649. I don't know

11:01AM 11 if we can show that to the jury. What is that?

11:01AM 12 A This is one of the vehicles at Manheim auction.

11:01AM 13 Q Okay. So let me ask you about this -- this sticker in  
11:01AM 14 particular. It says Manheim Hawaii and there's a number, a bar  
11:01AM 15 code and some other information. Is that the -- the stickers  
11:01AM 16 that you would -- that would be -- be placed on the auction  
11:01AM 17 vehicles?

11:01AM 18 A Yes.

11:01AM 19 Q Was that part of the bidding process?

11:01AM 20 A Yeah, you can scan that bar code on your Manheim app to  
11:01AM 21 find out details about this vehicle.

11:01AM 22 Q Okay. That's how you typically keep track and -- and bid  
11:01AM 23 on these vehicles?

11:01AM 24 A Yes.

11:01AM 25 Q All right. So the -- as your duties as Mr. Miske's

11:01AM 1 personal assistant when you were doing that, let me just -- I  
11:01AM 2 want to make clear. So when you were working for him the first  
11:02AM 3 time, you said you were working for all the various businesses,  
11:02AM 4 correct?  
11:02AM 5 A Yes.  
11:02AM 6 Q When you came back after Las Vegas and you had the meeting  
11:02AM 7 at the bay and patched things up after what had happened at the  
11:02AM 8 hospital, were you working only for Hawai'i Partners at that  
11:02AM 9 point?  
11:02AM 10 A Yes. Hawai'i Partners and maybe some errands.  
11:02AM 11 Q Okay. And then later on you transitioned to where you  
11:02AM 12 were working only for Kama'aina in sales?  
11:02AM 13 A Yes.  
11:02AM 14 Q Okay. Did you have other duties as his personal assistant  
11:02AM 15 that were related to the businesses?  
11:02AM 16 A Yes.  
11:02AM 17 Q That you were asked to do?  
11:02AM 18 A Yes.  
11:02AM 19 Q So let me give you an example. If I could show you  
11:02AM 20 Exhibit 1-843A as an apple.  
11:02AM 21 MR. INCIONG: That's been previously admitted into  
11:02AM 22 evidence. If we could publish that, Your Honor.  
11:02AM 23 THE COURT: Yes, you may.  
11:03AM 24 BY MR. INCIONG:  
11:03AM 25 Q Do you recognize that photo?

11:03AM 1 A Yes.

11:03AM 2 Q Does that look familiar to you?

11:03AM 3 A Yes.

11:03AM 4 Q Why does it look familiar to you?

11:03AM 5 A It's the office upstairs at the shop 940B Queen Street.

11:03AM 6 Q Do you see what's happening in that -- in that particular

11:03AM 7 photo?

11:03AM 8 A They were filling out Hawaii's Best 2018.

11:03AM 9 Q Did you ever fill out Hawaii's Best ballots?

11:03AM 10 A Yes.

11:03AM 11 Q Do you recall when you did that?

11:03AM 12 A No. Not exact date.

11:03AM 13 Q Do you recall where you did that?

11:03AM 14 A Yes.

11:03AM 15 Q Where did you do that?

11:03AM 16 A One time was at the Outback Steakhouse in Hawaii Kai.

11:03AM 17 Q Is this the -- the Outback Steakhouse that's located

11:03AM 18 anywhere near the -- the gathering place at the bay where you

11:03AM 19 would jet ski?

11:03AM 20 A Yes.

11:03AM 21 MR. INCIONG: Could we show Mr. Freitas Exhibit 1-1022

11:03AM 22 please which has been previously admitted?

11:04AM 23 THE COURT: Go ahead.

11:04AM 24 BY MR. INCIONG:

11:04AM 25 Q Mr. Freitas, do you see on this overhead where the Outback

11:04AM 1 Steakhouse is located?

11:04AM 2 A Yes.

11:04AM 3 Q Could you circle that with your finger on the touch

11:04AM 4 screen, please? So that's very close in proximity to the --

11:04AM 5 the beach where you would gather?

11:04AM 6 A Yes.

11:04AM 7 Q So why -- do you know why this place was chosen to fill

11:04AM 8 out the ballots on that day?

11:04AM 9 A No.

11:04AM 10 Q Do you recall how many people were there that day filling

11:04AM 11 out the ballots?

11:04AM 12 A No, I don't recall how many people.

11:04AM 13 Q Can you give a rough estimate? It is more than two?

11:04AM 14 A Yes, more than two.

11:04AM 15 Q Less than ten?

11:04AM 16 A Less than ten.

11:04AM 17 Q Who provided the ballots to you?

11:04AM 18 A Mike did.

11:04AM 19 Q That's Mike Miske?

11:04AM 20 A Yes.

11:04AM 21 Q Were you instructed as to how to fill the ballots?

11:04AM 22 A How to fill out anonymous names or people from the

11:04AM 23 newspaper.

11:04AM 24 Q What did you do with those ballots once you were finished

11:05AM 25 completing them?



11:05AM 1 A Just turned it in.

11:05AM 2 Q Can you estimate how many ballots you filled out that day?

11:05AM 3 A Me personally?

11:05AM 4 Q Yeah.

11:05AM 5 A About ten, 15 of them.

11:05AM 6 Q All right. So going back to when you were working for

11:05AM 7 Mr. Miske for all the various businesses, one of the businesses

11:05AM 8 you mentioned was the Rachel, correct?

11:05AM 9 A Yes.

11:05AM 10 Q This was the fishing boat?

11:05AM 11 A Yes.

11:05AM 12 Q What was your involvement in any tasks that you were asked

11:05AM 13 to do regarding the Rachel?

11:05AM 14 A To pay the -- the people that worked on the boat.

11:05AM 15 Q The crew?

11:05AM 16 A Yes, the crew.

11:05AM 17 Q How did you go about doing that?

11:05AM 18 A Going to the bank and pulling out some money to pay these

11:05AM 19 guys.

11:05AM 20 Q Who would send you to the bank?

11:05AM 21 A Mike would send me to the bank.

11:05AM 22 Q When you say "pulling out money," how were -- how were

11:06AM 23 these withdrawals being made?

11:06AM 24 A Mike would write me a personal check in his name written

11:06AM 25 into my name and I would go to the bank and cash the checks.

11:06AM 1 Q Why was it done this way, if you know?

11:06AM 2 A I don't know why it was done this way.

11:06AM 3 Q You were just being told --

11:06AM 4 A Told what to do, yes.

11:06AM 5 Q So were you given any instructions about certain amounts

11:06AM 6 that you should withdraw at a -- at a certain time or limits?

11:06AM 7 A Yes. To stay under 10,000.

11:06AM 8 Q Who told you that?

11:06AM 9 A Mike did.

11:06AM 10 Q Why did he tell you that?

11:06AM 11 A Because it will actually throw red flags out for the IRS.

11:06AM 12 Q So you were told not to withdraw more than \$10,000?

11:06AM 13 A Yes.

11:06AM 14 Q At a time?

11:06AM 15 A Yes.

11:06AM 16 Q So once you withdrew the cash, what would you do with it?

11:06AM 17 A I'd go back to the office and we have some names written

11:06AM 18 down from the Rachel crew, and we will put the money in the

11:06AM 19 envelope and drop it off.

11:07AM 20 Q Who provided the names for the crew?

11:07AM 21 A Mike did.

11:07AM 22 Q Was there a reason why the -- the crew couldn't get off

11:07AM 23 the boat and -- and cash checks, for example, themselves?

11:07AM 24 A They wasn't U.S. citizens.

11:07AM 25 Q But they were -- they could not deboard?

11:07AM 1 A No.

11:07AM 2 Q How many occasions did you take cash payments over to the  
11:07AM 3 crew?

11:07AM 4 A Quite a bit.

11:07AM 5 Q Did you make similar payments to any construction workers  
11:07AM 6 on Mr. Miske's behalf?

11:07AM 7 A Yes.

11:07AM 8 Q Where were those construction workers working?

11:07AM 9 A Lumahai house in part.

11:07AM 10 Q What was the Lumahai house?

11:07AM 11 A It was Mike's house.

11:07AM 12 Q Okay. What was -- do you recall when he was building that  
11:07AM 13 house?

11:07AM 14 A Yes.

11:07AM 15 Q Approximately what years was that?

11:07AM 16 A I seen the house be built from ground up --

11:07AM 17 Q Okay.

11:07AM 18 A -- so there was nothing there. I don't know exactly what  
11:08AM 19 year.

11:08AM 20 Q Okay. Was there a certain day of the week that  
11:08AM 21 the construction workers would be paid?

11:08AM 22 A Every Fridays.

11:08AM 23 Q How many times would you make these payments on Fridays do  
11:08AM 24 you -- that you recall?

11:08AM 25 A Quite a bit.

11:08AM 1 Q Describe how the payments were made to the construction  
11:08AM 2 workers, if you know?

11:08AM 3 A Same way. Personal checks into my name, I'll cash them,  
11:08AM 4 go back to the office and count it out individually for each  
11:08AM 5 worker.

11:08AM 6 Q Okay. Was that -- was the cash then put into envelopes  
11:08AM 7 with -- for each worker as well?

11:08AM 8 A Yes.

11:08AM 9 Q Approximately how many construction workers were working  
11:08AM 10 at a time, any given time when you were delivering the money on  
11:08AM 11 Fridays?

11:08AM 12 A I'd say more than five people.

11:08AM 13 Q Do you recall approximately how much money in cash total  
11:08AM 14 you were taking to the Lumahai house to pay the workers?

11:08AM 15 A Yes. It was about less than 10,000.

11:08AM 16 Q Were you getting -- avoiding that \$10,000 limit?

11:09AM 17 A Yes.

11:09AM 18 Q Did this occur over weeks, months, years? How long did  
11:09AM 19 you go to make these payments?

11:09AM 20 A Months.

11:09AM 21 Q As part of your duties as Mr. Miske's personal assistant,  
11:09AM 22 did you order supplies for the businesses?

11:09AM 23 A Yes.

11:09AM 24 Q Did you order uniforms or clothing for the businesses?

11:09AM 25 A Yes.

11:09AM 1 MR. INCIONG: Could we show Mr. Freitas Exhibit 1-997,  
11:09AM 2 please?  
11:09AM 3 BY MR. INCIONG:  
11:09AM 4 Q Mr. Freitas, do you see the document that's been marked  
11:09AM 5 1-997?  
11:09AM 6 A Yes.  
11:09AM 7 Q Did you have a chance to review that before coming to  
11:09AM 8 court today?  
11:09AM 9 A Yes.  
11:09AM 10 Q Did you recognize this particular invoice?  
11:09AM 11 A Yes.  
11:09AM 12 Q How do you recognize that?  
11:09AM 13 A By the JR.'s Caps & Embroidery. The company.  
11:10AM 14 Q Does that have your name as a contract as well on it?  
11:10AM 15 A Yes.  
11:10AM 16 Q And do you recall what you were ordering from this  
11:10AM 17 particular business?  
11:10AM 18 A T-shirts. Polo t-shirts.  
11:10AM 19 Q Does this exhibit accurately show the -- the invoice that  
11:10AM 20 you received from this particular business?  
11:10AM 21 A Yes.  
11:10AM 22 MR. INCIONG: Your Honor, I would move to admit  
11:10AM 23 Exhibit 1-997.  
11:10AM 24 THE COURT: Any objection?  
11:10AM 25 MR. KENNEDY: No objection, Your Honor.

11:10AM 1 THE COURT: Without objection 1-997 is admitted. You  
11:10AM 2 may publish.  
11:10AM 3 MR. INCIONG: Thank you, Your Honor.  
11:10AM 4 (Exhibit 1-997 was received in evidence.)  
11:10AM 5 BY MR. INCIONG:  
11:10AM 6 Q So this is the receipt or invoice you received after  
11:10AM 7 ordering you said they were shirts?  
11:10AM 8 A Yes.  
11:10AM 9 MR. INCIONG: Okay. Could we enlarge just the top  
11:10AM 10 third of that document or so? Perfect. Thank you.  
11:10AM 11 BY MR. INCIONG:  
11:10AM 12 Q So this is J.R.'s Caps & Embroidery. That's the name of  
11:10AM 13 the business?  
11:10AM 14 A Yes.  
11:10AM 15 Q Do you see there where it to Kaulana Kama'aina?  
11:10AM 16 A Yes.  
11:10AM 17 Q That's you Kaulana?  
11:11AM 18 A Yes.  
11:11AM 19 Q The phone number that's underneath that that 585-1944, is  
11:11AM 20 that your phone number?  
11:11AM 21 A Yes.  
11:11AM 22 Q Okay. Was this the phone number you were using at the  
11:11AM 23 time of your arrest in July of 2020?  
11:11AM 24 A Yes.  
11:11AM 25 Q Now, when you were around the businesses working for

11:11AM 1 Mr. Miske, you said you reported to the shop at -- on Queen  
11:11AM 2 Street pretty much every weekday, correct?  
11:11AM 3 A Yes.  
11:11AM 4 Q So did you get to know some of the other individuals that  
11:11AM 5 were working there?  
11:11AM 6 A Yes.  
11:11AM 7 Q Did you understand or get to know what their various jobs  
11:11AM 8 and responsibilities were?  
11:11AM 9 A Yes.  
11:11AM 10 Q Did you know anyone by the name of Koa Masutani?  
11:11AM 11 A Yes.  
11:11AM 12 Q How did you know Koa Masutani?  
11:11AM 13 A He replaced me after I got fired.  
11:11AM 14 Q He replaced you as Mr. Miske's personal assistant?  
11:11AM 15 A Yes.  
11:11AM 16 Q So after you got fired, you came back in a different  
11:12AM 17 capacity?  
11:12AM 18 A Yes.  
11:12AM 19 Q So was Mr. Masutani still acting as Mr. Miske's personal  
11:12AM 20 assistant?  
11:12AM 21 A Yes.  
11:12AM 22 Q From your time being around the businesses and -- and  
11:12AM 23 knowing who worked there, did you ever believe that  
11:12AM 24 Mr. Masutani was a manager or supervisor of any level there?  
11:12AM 25 A On my knowledge, no.

11:12AM 1 Q To your knowledge, he had replaced you as -- as personal

11:12AM 2 assistant?

11:12AM 3 A Yes.

11:12AM 4 MR. INCIONG: Could we show Mr. Freitas Exhibit 1-641

11:12AM 5 next, please? I'm sorry, 1-614. My mistake, 1-614.

11:12AM 6 BY MR. INCIONG:

11:12AM 7 Q Do you recognize 1-614, Mr. Freitas?

11:13AM 8 A Yes.

11:13AM 9 Q Do you see anything that catches your attention in that

11:13AM 10 particular photo?

11:13AM 11 A My ID.

11:13AM 12 Q Okay. Could we have you now look at Exhibit 1-615? Do

11:13AM 13 you recognize that?

11:13AM 14 A Yes.

11:13AM 15 Q Is that the ID you saw in the -- the previous photograph?

11:13AM 16 A Yes.

11:13AM 17 Q Is that your Hawaii driver's license?

11:13AM 18 A Identification card, yes.

11:13AM 19 Q Or identification card, yes.

11:13AM 20 MR. INCIONG: Can we show Mr. Freitas 1-616 next?

11:13AM 21 BY MR. INCIONG:

11:13AM 22 Q Do you recognize that?

11:13AM 23 A Yes. My bank card.

11:13AM 24 Q That's a Bank of Hawaii debit card?

11:13AM 25 A Yes.



11:13AM 1 Q Do you recognize that as being one that you used in the  
11:13AM 2 past?

11:13AM 3 A Yes.

11:13AM 4 Q These photos that you just saw, those three photos, do  
11:13AM 5 those all three accurately show either your Hawaii  
11:13AM 6 identification card and/or your Bank of Hawaii debit card?

11:13AM 7 A Yes.

11:13AM 8 MR. INCIONG: Your Honor, I would move to admit  
11:14AM 9 Exhibits 1-614, 1-615 and 1-616.

11:14AM 10 THE COURT: Any objection, Mr. Kennedy?

11:14AM 11 MR. KENNEDY: No objection to 614, 615, and 616 of the  
11:14AM 12 one series, Your Honor.

11:14AM 13 THE COURT: All right. Then all three exhibits are  
11:14AM 14 admitted without objection 1-614 through 1-616.

11:14AM 15 MR. INCIONG: Thank you, Your Honor.

11:14AM 16 (Exhibits 1-614, 1-615 and 1-616 were received in evidence.)

11:14AM 17 BY MR. INCIONG:

11:14AM 18 Q So starting with the Exhibit 1-615, Mr. Freitas, do you  
11:14AM 19 have any recollections as to when the last time you had this in  
11:14AM 20 your possession?

11:14AM 21 A No, I don't recollect.

11:14AM 22 Q Okay. Same question as -- as to 1-616. Any recollection  
11:14AM 23 as to when you last had that debit card in your possession?

11:14AM 24 A No.

11:14AM 25 MR. INCIONG: Okay. We can take that down.

11:14AM 1 BY MR. INCIONG:

11:14AM 2 Q So, Mr. Freitas, I want to direct you to July of 2016. Do

11:15AM 3 you recall where you were living at that time?

11:15AM 4 A 2016?

11:15AM 5 Q Yes.

11:15AM 6 A Here in Hawaii.

11:15AM 7 Q Okay. Did you become aware that Jonathan Fraser had gone  
11:15AM 8 missing at the end of that month?

11:15AM 9 A No.

11:15AM 10 Q When did you become aware of that, if ever?

11:15AM 11 A I seen it on the news.

11:15AM 12 Q Do you recall when that was approximately?

11:15AM 13 A No, I don't.

11:15AM 14 Q Do you know what happened to Mr. Fraser?

11:15AM 15 A No, I don't know what happened.

11:15AM 16 Q Did you ever see Mr. Fraser again after you'd heard that  
11:15AM 17 he had been reported as missing?

11:15AM 18 A No.

11:15AM 19 Q Did you find that strange?

11:15AM 20 A A little strange but...

11:15AM 21 Q Did you ever have any conversation with Mr. Miske about  
11:15AM 22 that?

11:15AM 23 A No.

11:15AM 24 Q Now, I want to ask you about you mentioned previously that  
11:15AM 25 you had been dealing in oxycodone with Jake Smith, correct?

11:16AM 1 A Yes.

11:16AM 2 Q Is that one of the racketeering acts that you admitted to  
11:16AM 3 as part of your plea agreement?

11:16AM 4 A Yes.

11:16AM 5 MR. INCIONG: Could we show Mr. Freitas Exhibit 1-631,  
11:16AM 6 please?

11:16AM 7 BY MR. INCIONG:

11:16AM 8 Q And if we need to scroll down to refresh your memory, let  
11:16AM 9 us know, Mr. Fraser. I mean Mr. Freitas, but do you recognize  
11:16AM 10 Exhibit 1-631?

11:16AM 11 A Yes.

11:16AM 12 Q Did you review those particular text messages before you  
11:16AM 13 testified today?

11:16AM 14 A Yes.

11:16AM 15 Q Do -- do you recognize these texts as being texts that you  
11:16AM 16 received and sent from this particular phone?

11:16AM 17 A Yes.

11:16AM 18 Q And this phone was the phone that you were -- you had in  
11:16AM 19 your possession at the time of your arrest; is that correct?

11:16AM 20 A Yes.

11:16AM 21 MR. INCIONG: Your Honor, may I approach the witness  
11:17AM 22 with a physical exhibit at this time, Exhibit 1-627, please.

11:17AM 23 THE COURT: Go ahead. Defense counsel I assume has  
11:17AM 24 seen that.

11:17AM 25 MR. INCIONG: I'm showing it right now.

11:17AM 1 THE COURT: All right.

11:17AM 2 BY MR. INCIONG:

11:17AM 3 Q Mr. Freitas, do you recognize that phone?

11:17AM 4 A Yes.

11:17AM 5 Q Prior to coming to court today, did you have an

11:17AM 6 opportunity to -- to look at that phone and review that phone?

11:17AM 7 A Yes.

11:17AM 8 Q Did you, in fact, remember the password to that phone?

11:17AM 9 A Yes.

11:17AM 10 Q Did the password activate the phone?

11:17AM 11 A Yes.

11:17AM 12 Q Were you able to get into the contacts and view things

11:17AM 13 such as the contacts, text messages such as the one on the

11:18AM 14 screen in front of you?

11:18AM 15 A Yes.

11:18AM 16 Q Is that the phone that you had in your possession when you

11:18AM 17 were arrested in July of 2020?

11:18AM 18 A Yes.

11:18AM 19 MR. INCIONG: Your Honor, I would move to admit

11:18AM 20 Exhibit 1-627 at this time.

11:18AM 21 THE COURT: Any objection?

11:18AM 22 MR. KENNEDY: No objection.

11:18AM 23 THE COURT: 1-627 is admitted without objection.

11:18AM 24 MR. INCIONG: Thank you, Your Honor.

11:18AM 25 (Exhibit 1-627 was received in evidence.)

11:18AM 1 BY MR. INCIONG:

11:18AM 2 Q So, Mr. Freitas, going back to Exhibit 1-631, these are a  
11:18AM 3 set of text messages that were taken off of this phone that you  
11:18AM 4 just identified, correct?

11:18AM 5 A Yes.

11:18AM 6 Q And do these messages accurately show the -- the messages  
11:18AM 7 as you saw them in your review either on this document itself  
11:18AM 8 or on the phone itself?

11:18AM 9 A Yes.

11:18AM 10 MR. INCIONG: Your Honor, I would move to admit  
11:18AM 11 Exhibit 1-631. This is an extraction that the foundation and  
11:18AM 12 authenticity has been stipulated to by the parties and based on  
11:19AM 13 Mr. Freitas's identification. I would move to admit it as an  
11:19AM 14 exhibit.

11:19AM 15 THE COURT: All right. Mr. Kennedy?

11:19AM 16 MR. KENNEDY: No objection, Your Honor.

11:19AM 17 THE COURT: Without objection 1-631 is admitted and  
11:19AM 18 you may publish any part of the 17-page document.

11:19AM 19 MR. INCIONG: Thank you, Your Honor.

11:19AM 20 If we can begin with page one to show the -- the jury.

11:19AM 21 (Exhibit 1-631 was received in evidence.)

11:19AM 22 BY MR. INCIONG:

11:19AM 23 Q So this -- these -- this particular --

11:19AM 24 MR. INCIONG: Could we go back to what you just had,  
11:19AM 25 please?

11:19AM 1 BY MR. INCIONG:

11:19AM 2 Q You can see this text exchange is between two phone  
11:19AM 3 numbers. Do you recognize one of those as your own?

11:19AM 4 A Yes.

11:19AM 5 Q And that's the one ending in 1944?

11:19AM 6 A Yes.

11:19AM 7 Q It says Kaulana as owner?

11:19AM 8 A Yes.

11:19AM 9 Q Okay. So the phone above that, there's a number ending in  
11:19AM 10 7913; is that correct?

11:19AM 11 A Yes.

11:19AM 12 Q It says Kama'aina Plumbing?

11:19AM 13 A Yes.

11:19AM 14 Q Who was using this phone, if you recall, at the time?

11:20AM 15 A I don't recall who was using that phone.

11:20AM 16 Q So let me have you look down at some of the text bubbles  
11:20AM 17 and see if that refreshes your memory. So starting with this  
11:20AM 18 one, this is not a message that was exchanged but this is a  
11:20AM 19 message generated from the app; is that correct?

11:20AM 20 A Yes.

11:20AM 21 Q Was this WhatsApp you were using at that time?

11:20AM 22 A Yes.

11:20AM 23 Q And as you testified before, is this message confirming  
11:20AM 24 that this text exchange is being secured with end-to-end  
11:20AM 25 encryption?

11:20AM 1 A Yes.

11:20AM 2 Q Let me have you look at the -- the next two bubbles there.

11:20AM 3 So these are dated May 15th of 2018, correct?

11:20AM 4 A Yes.

11:20AM 5 Q And do you recall are these message that -- messages that

11:20AM 6 you sent or that you were receiving at that time?

11:20AM 7 A I believe it's receiving.

11:20AM 8 Q And do you see what those two messages say?

11:21AM 9 A Yes.

11:21AM 10 Q 30MG yellow ones and 25 of them. Did you know what that

11:21AM 11 referred to?

11:21AM 12 A Oxies.

11:21AM 13 Q Oxycodone tablets?

11:21AM 14 A Yes.

11:21AM 15 Q So 30 milligrams, that represents the -- the dosage?

11:21AM 16 A Yes.

11:21AM 17 Q 25 of them was saying 25of those pills?

11:21AM 18 A Yes.

11:21AM 19 Q Could we go to next page, please?

11:21AM 20 So do you see the top message in green that says,

11:21AM 21 what's the ticket?

11:21AM 22 A Yes.

11:21AM 23 Q What did that mean?

11:21AM 24 A What's the price?

11:21AM 25 Q And then the next message down says, you tell me then we

11:21AM 1 can both make something.

11:21AM 2 What is being referred to there?

11:21AM 3 A Discussing what it's going to be sold and bought for.

11:21AM 4 Q Does the next message answer that?

11:21AM 5 A Ten to 12.

11:21AM 6 Q What does ten to 12 mean?

11:22AM 7 A I believe it's how -- how much each one will be.

11:22AM 8 Q Okay. Ten to \$12?

11:22AM 9 A Yes.

11:22AM 10 Q Per tablet?

11:22AM 11 A Yes.

11:22AM 12 Q Okay. So did you have these sorts of discussions over --

11:22AM 13 over your -- your phone that you had on -- on your possession

11:22AM 14 in July of 2020?

11:22AM 15 A I'm sorry. Say that again.

11:22AM 16 Q So this -- did you have other types of these conversations

11:22AM 17 discussing distribution of oxycodone on this phone?

11:22AM 18 A Yes.

11:22AM 19 Q The same phone that you had in your possession when you

11:22AM 20 were arrested?

11:22AM 21 A Yes.

11:22AM 22 Q Okay. Do you recall who you were discussing the oxycodone

11:22AM 23 sales with during this particular text chain?

11:22AM 24 A Not this text chain, no.

11:22AM 25 Q Okay. But from your knowledge and recollection, do you



11:22AM 1 recall who you engaged in oxycodone distribution with?

11:22AM 2 A Jake Smith.

11:22AM 3 Q Okay. Anyone else?

11:22AM 4 A I don't know.

11:22AM 5 Q Were you engaging in any -- any other kinds of drug  
11:23AM 6 distribution?

11:23AM 7 A Yes.

11:23AM 8 Q Which drugs?

11:23AM 9 A Vicodin.

11:23AM 10 Q Where were you obtaining the -- the Vicodin or oxycodone  
11:23AM 11 from?

11:23AM 12 A I was getting them prescribed to me.

11:23AM 13 Q And then you were sell them for profit?

11:23AM 14 A Yes.

11:23AM 15 Q Now, was Mr. Miske aware that you were distributing  
11:23AM 16 oxycodone and -- and the prescription drug?

11:23AM 17 A No.

11:23AM 18 Q Did you do that with any acknowledgement of his protection  
11:23AM 19 as you indicated previously?

11:23AM 20 A I'm sorry. Say that again.

11:23AM 21 Q Did you engage in any of this drug distribution knowing  
11:23AM 22 you would be protected if something happens, went wrong?

11:23AM 23 A Yes.

11:23AM 24 MR. INCIONG: Could we show Mr. Freitas Exhibit 1-1097  
11:24AM 25 which is on the government's third supplemental exhibit list,

11:24AM 1 please?

11:24AM 2 THE COURT: Go ahead.

11:24AM 3 BY MR. INCIONG:

11:24AM 4 Q Mr. Freitas, do you recognize what's shown in this photo?

11:24AM 5 A Yes.

11:24AM 6 Q Do you know where that is?

11:24AM 7 A Yes.

11:24AM 8 Q And the items that are, I guess, parked behind there, do

11:24AM 9 you recognize what those are?

11:24AM 10 A Yes.

11:24AM 11 Q Have you seen those items in that location previously?

11:24AM 12 A Yes.

11:24AM 13 Q Does this photo accurately show the items parked there at

11:24AM 14 the location that you recognize?

11:24AM 15 A Yes.

11:24AM 16 Q What is the location that you recognize?

11:24AM 17 A Mike's house on Kuuna.

11:24AM 18 Q That's in Kailua?

11:24AM 19 A Yes.

11:24AM 20 MR. INCIONG: Your Honor, I would move to admit 1-1097

11:24AM 21 at this time.

11:24AM 22 THE COURT: Any objection?

11:24AM 23 MR. KENNEDY: Is it on the original one, Counsel?

11:24AM 24 MR. INCIONG: Third supplemental list.

11:24AM 25 MR. KENNEDY: Third supplemental. No objection.

11:24AM 1 THE COURT: Without objection 1-1097 is admitted. You  
11:24AM 2 may publish.  
11:24AM 3 MR. INCIONG: Thank you, Your Honor.  
11:24AM 4 (Exhibit 1-1097 was received in evidence.)  
11:25AM 5 BY MR. INCIONG:  
11:25AM 6 Q So what is shown in this photograph, Mr. Freitas?  
11:25AM 7 A Two Yamaha jet skis and a Kama'aina Termite vehicle truck.  
11:25AM 8 Q You mentioned these are parked at Mr. Miske's house on  
11:25AM 9 Kuuna Street in Kailua?  
11:25AM 10 A Yes.  
11:25AM 11 Q Are -- are those jet skis of -- of the type that you would  
11:25AM 12 ride at Maunalua Bay when you had the gatherings?  
11:25AM 13 A Yes.  
11:25AM 14 MR. INCIONG: Could we show Mr. Freitas next Exhibit  
11:25AM 15 1-891 which has been previously admitted? Could we publish  
11:25AM 16 that, Your Honor?  
11:25AM 17 THE COURT: I don't have that as an admitted exhibit.  
11:25AM 18 MR. INCIONG: It is not? Okay. Let me lay -- My  
11:25AM 19 apologies. Let me lay some foundation for that then.  
11:25AM 20 BY MR. INCIONG:  
11:25AM 21 Q Mr. Freitas, do you recognize what's shown in 1-891?  
11:25AM 22 A I don't have anything on my screen.  
11:26AM 23 Q You can't see it on your screen?  
11:26AM 24 A No.  
11:26AM 25 THE COURT: Still not coming up?

11:26AM 1 THE WITNESS: No, sir.

11:26AM 2 MR. INCIONG: I can move on while we work on that,

11:26AM 3 Your Honor.

11:26AM 4 THE COURT: His screen is not working, his monitor.

11:26AM 5 THE CLERK: No.

11:26AM 6 THE WITNESS: The screen just popped up.

11:26AM 7 THE CLERK: Is it on?

11:26AM 8 THE WITNESS: Yes.

11:26AM 9 THE CLERK: Okay.

11:26AM 10 MR. INCIONG: Okay. Thank you.

11:26AM 11 BY MR. INCIONG:

11:26AM 12 Q Do you recognize what's shown in Exhibit 1-891, Mr.

11:26AM 13 Freitas?

11:26AM 14 A Yes.

11:26AM 15 Q How do you recognize that?

11:26AM 16 A That's Mike's house.

11:26AM 17 Q That's the house on Kuuna Street?

11:26AM 18 A Yes.

11:26AM 19 Q Does this photo accurately show Mr. Miske's house on Kuuna

11:26AM 20 Street?

11:26AM 21 A Yes.

11:26AM 22 MR. INCIONG: Your Honor, I would move to admit

11:26AM 23 Exhibit 1-891.

11:26AM 24 THE COURT: Okay. Any objection?

11:26AM 25 MR. KENNEDY: No objection.

11:26AM 1 THE COURT: Without objection 1-891 is admitted. You  
11:27AM 2 may publish.

11:27AM 3 MR. INCIONG: Can we publish that? Thank you.

11:27AM 4 (Exhibit 1-891 was received in evidence.)

11:27AM 5 BY MR. INCIONG:

11:27AM 6 Q Mr. Freitas, is this the house just from a different view  
11:27AM 7 that showed the jet skis parked in the previous exhibit?

11:27AM 8 A Yes.

11:27AM 9 Q With the jet skis parked in the -- the rear of that  
11:27AM 10 property?

11:27AM 11 A Yes.

11:27AM 12 Q Now, you mentioned you went to the bay on many occasions,  
11:27AM 13 correct?

11:27AM 14 A Yes.

11:27AM 15 Q For gatherings and rode jet skis there?

11:27AM 16 A Yes.

11:27AM 17 Q Do you recall an incident there in the year 2019, so the  
11:27AM 18 year prior to your arrest, where Mr. Miske spoke to you and  
11:27AM 19 Mr. Stancil about potentially being charged with -- with  
11:27AM 20 criminal charges?

11:27AM 21 A Yes.

11:27AM 22 Q What do you recall about that?

11:27AM 23 A It was our paper like in -- with our names. It wasn't  
11:27AM 24 handwritten. It was typed out.

11:27AM 25 Q Okay. Well, let me back you up. So where are you at this

11:28AM 1 time, Maunalua Bay?

11:28AM 2 A Yes.

11:28AM 3 Q All right. Who was with you?

11:28AM 4 A Me and Mike and John.

11:28AM 5 Q That's John Stancil?

11:28AM 6 A Yes.

11:28AM 7 Q And Michael Miske?

11:28AM 8 A Yes.

11:28AM 9 Q How did this subject come up?

11:28AM 10 A We just got a piece of paper from somebody that said our  
11:28AM 11 name was on it.

11:28AM 12 Q Who -- who -- who produced the piece of paper initially?  
11:28AM 13 When you first saw it, who had it?

11:28AM 14 A Mike had the paper.

11:28AM 15 Q Say this is a paper. Was it like one single piece of  
11:28AM 16 paper or a -- a set of documents?

11:28AM 17 A It was one single paper.

11:28AM 18 Q Did it look like a handwritten piece of paper like on a  
11:28AM 19 piece of writing paper or something?

11:28AM 20 A No. It was typed.

11:28AM 21 Q Did it look like an official court document?

11:28AM 22 A Yes.

11:28AM 23 Q Could you -- could you tell what that court document was?

11:28AM 24 A No, I couldn't tell. It just had our -- all our names on  
11:28AM 25 it.

11:28AM 1 Q Who is all our names?

11:28AM 2 A Everybody on top our indictment except Delia and Jason.

11:29AM 3 Q So that included Mike Miske?

11:29AM 4 A Uh-huh.

11:29AM 5 Q John Stancil?

11:29AM 6 A Yes.

11:29AM 7 Q Yourself?

11:29AM 8 A Yes.

11:29AM 9 Q Harry Kauhi?

11:29AM 10 A Yes.

11:29AM 11 Q Jake Smith?

11:29AM 12 A Yes.

11:29AM 13 Q Lance Bermudez?

11:29AM 14 A Yes.

11:29AM 15 Q Norman Akau?

11:29AM 16 A Yes.

11:29AM 17 Q You saw all those names on this document?

11:29AM 18 A Yes.

11:29AM 19 Q Mr. Miske showed you this?

11:29AM 20 A Yes.

11:29AM 21 Q Where did he get this document, did he say?

11:29AM 22 A No, I didn't know where he got it.

11:29AM 23 Q What did he say when he showed you this document?

11:29AM 24 A That our names is on the paper.

11:29AM 25 Q What did that mean?

11:29AM 1 A I don't know.

11:29AM 2 Q What did he tell you he thought it meant?

11:29AM 3 A That they was probably looking at us.

11:29AM 4 Q As far as what? Who is "they"?

11:29AM 5 A The FBI.

11:29AM 6 Q They were looking at you as criminal subjects?

11:29AM 7 A Yes.

11:29AM 8 Q Did he give you any instructions after that -- at -- at

11:30AM 9 that point?

11:30AM 10 A To stay low.

11:30AM 11 Q What did that mean by "stay low"?

11:30AM 12 A Don't go out and party.

11:30AM 13 Q How long did this incident take place before you were

11:30AM 14 actually arrested in July of 2020?

11:30AM 15 A One year.

11:30AM 16 Q Did you stay low and out of sight?

11:30AM 17 A We tried to.

11:30AM 18 Q Did Mr. Miske agree you were staying low and out of sight?

11:30AM 19 A On one occasion, no.

11:30AM 20 Q What happened on that one occasion?

11:30AM 21 A It was around Christmastime and me and John Stancil was

11:30AM 22 out shopping, and we ended up at Rockza at a strip club. So

11:30AM 23 his girlfriend at the time -- John's girlfriend at the time

11:30AM 24 busted John at this nightclub, so she contacted Mike and Mike

11:31AM 25 texted us.



11:31AM 1 Q Was he upset?

11:31AM 2 A He was upset that we was out and we shouldn't be out  
11:31AM 3 partying.

11:31AM 4 Q Because of what he told you at the -- at the bay?

11:31AM 5 A Yes.

11:31AM 6 Q What did you do?

11:31AM 7 A We left. Went home.

11:31AM 8 Q Did you ever receive any other information along those  
11:31AM 9 lines from Mr. Miske prior to your arrest?

11:31AM 10 A No.

11:31AM 11 Q Do you believe you were going to be arrested eventually?

11:31AM 12 A I never believed it.

11:31AM 13 Q When the FBI came to your Hawaii Kai apartment, that  
11:31AM 14 was -- did you believe it then?

11:31AM 15 A Yes.

11:31AM 16 Q So in 2020, in the months before you were arrested, you  
11:31AM 17 were working strictly as a salesperson for Kama'aina Termite  
11:31AM 18 and Pest Control, correct?

11:31AM 19 A Yes.

11:31AM 20 Q Selling the various pest services?

11:32AM 21 A Yes.

11:32AM 22 Q Were you involved at all in procuring the contract to  
11:32AM 23 fumigate the Maunakoa -- Maunakea -- I'm sorry -- hotel on the  
11:32AM 24 Big Island?

11:32AM 25 A Yes.

11:32AM 1 Q What was your involvement with that?

11:32AM 2 A I got the lead and I worked on it for six months.

11:32AM 3 Q How did you get the lead?

11:32AM 4 A I got that lead from Jody (phonetic) that worked at

11:32AM 5 Kama'aina Termite and Pest Control.

11:32AM 6 Q Okay. So this was a big project?

11:32AM 7 A This was a big project.

11:32AM 8 Q Were there others involved with you in trying to land that

11:32AM 9 contract?

11:32AM 10 A Yes.

11:32AM 11 Q Who were some of the other people from Kama'aina that were

11:32AM 12 working with you on that?

11:32AM 13 A Jake Matthews.

11:32AM 14 Q Was Mr. Miske involved?

11:32AM 15 A Yes.

11:32AM 16 Q Was Delia Fabro-Miske involved?

11:32AM 17 A Yes.

11:32AM 18 Q Was the company Kama'aina Termite and Pest Control

11:32AM 19 successful in landing that contract?

11:32AM 20 A Yes.

11:32AM 21 Q Do you recall how much that contract was for?

11:32AM 22 A I believe it was 2.5 million.

11:33AM 23 Q You'd indicated before that as a salesperson you were

11:33AM 24 working on a commission?

11:33AM 25 A Yes.

11:33AM 1 Q Correct? Was that -- was that in place still when you  
11:33AM 2 were working on the Maunakea job?  
11:33AM 3 A We never discussed the percentage on that -- that job.  
11:33AM 4 Q Were you paid any commission?  
11:33AM 5 A No.  
11:33AM 6 Q Why not?  
11:33AM 7 A Because he left me out of that job.  
11:33AM 8 Q Who is "he"?  
11:33AM 9 A Mike Miske.  
11:33AM 10 Q What do you mean by he left you out of that job?  
11:33AM 11 A Later on he was working on it, he went -- flew to the Big  
11:33AM 12 Island. He fumigated the whole thing and I wasn't part of it.  
11:33AM 13 Q Did you feel like you'd been cut out?  
11:33AM 14 A Yes.  
11:33AM 15 Q Why?  
11:33AM 16 A I have no idea why.  
11:33AM 17 Q After the Maunakea job was completed, did you notice  
11:33AM 18 Mr. -- whether Mr. Miske had acquired any new possessions?  
11:33AM 19 A Yes.  
11:33AM 20 Q What did you notice?  
11:34AM 21 A He bought a brand new Ferrari.  
11:34AM 22 Q Did you see that Ferrari?  
11:34AM 23 A Yes.  
11:34AM 24 MR. INCIONG: Could we show Mr. Freitas Exhibit  
11:34AM 25 dash -- 9-1190 from the government's third supplemental exhibit

11:34AM 1 list?

11:34AM 2 THE COURT: Okay. Go ahead.

11:34AM 3 BY MR. INCIONG:

11:34AM 4 Q Do you recognize what's shown in that photo, Mr. Freitas?

11:34AM 5 A Yes.

11:34AM 6 Q Is that the Ferrari you're referencing?

11:34AM 7 A Yes.

11:34AM 8 Q Does that accurately show the -- the car as you recall  
11:34AM 9 seeing -- seeing it?

11:34AM 10 A Yes.

11:34AM 11 Q The car itself.

11:34AM 12 MR. INCIONG: Could we show Mr. Freitas 9-1191 next,  
11:34AM 13 please?

11:34AM 14 BY MR. INCIONG:

11:34AM 15 Q Is that the same car, Mr. Freitas?

11:34AM 16 A Yes.

11:34AM 17 Q Does that accurately show it as you recall how it looked?

11:34AM 18 A Yes.

11:34AM 19 Q This is in 2020?

11:34AM 20 A Yes.

11:34AM 21 Q After the Maunakea job?

11:34AM 22 A Yes.

11:35AM 23 MR. INCIONG: Could we show Mr. Freitas 9-1192?

11:35AM 24 BY MR. INCIONG:

11:35AM 25 Q Is this another angle of that same car?

11:35AM 1 A Yes.

11:35AM 2 Q Does that accurately show it as you recall seeing it?

11:35AM 3 A Yes.

11:35AM 4 MR. INCIONG: Could we show Mr. Freitas 9-1193?

11:35AM 5 BY MR. INCIONG:

11:35AM 6 Q Is this a rear view of the same car?

11:35AM 7 A Yes.

11:35AM 8 Q Does that accurately show the Ferrari as you saw it?

11:35AM 9 A Yes.

11:35AM 10 MR. INCIONG: And then finally could we show 9-1194?

11:35AM 11 THE WITNESS: Yes.

11:35AM 12 BY MR. INCIONG:

11:35AM 13 Q Is that just another angle of that same vehicle?

11:35AM 14 A Yes.

11:35AM 15 Q Is that an accurate depiction as well?

11:35AM 16 A Yes.

11:35AM 17 MR. INCIONG: Your Honor, I would move to admit

11:35AM 18 Exhibits 9-1190 through 1194 at this time.

11:35AM 19 THE COURT: Any objection?

11:35AM 20 MR. KENNEDY: No objection, Your Honor.

11:35AM 21 THE COURT: All right. Without objection, those five  
11:35AM 22 exhibits are admitted, 9-1190 through 9-1194. You may publish.

11:35AM 23 MR. INCIONG: Thank you.

11:35AM 24 (Exhibits 9-1190 through 9-1194 were received in evidence.)

11:35AM 25 BY MR. INCIONG:

11:35AM 1 Q So beginning with 1194 and we'll go backwards. Is that

11:36AM 2 the -- the new Ferrari you were referencing?

11:36AM 3 A Yes.

11:36AM 4 MR. INCIONG: Can we show 9-1193?

11:36AM 5 BY MR. INCIONG:

11:36AM 6 Q That's the rear view of that?

11:36AM 7 A Yes.

11:36AM 8 MR. INCIONG: Can we show 9-1192?

11:36AM 9 BY MR. INCIONG:

11:36AM 10 Q That's the other side, the driver's side, correct?

11:36AM 11 A Yes.

11:36AM 12 MR. INCIONG: Could we go to 9-1191?

11:36AM 13 BY MR. INCIONG:

11:36AM 14 Q This is an angle from the front of that car in a different  
11:36AM 15 location?

11:36AM 16 A Yes.

11:36AM 17 Q And finally 9-1190, is that the head-on view of that car?

11:36AM 18 A Yes.

11:36AM 19 Q Mr. Freitas how much commission were you -- well, I'll ask  
11:36AM 20 expecting first. What were you expecting to -- to earn from  
11:36AM 21 the Maunakea work that you did?

11:36AM 22 A Ten to 15 percent.

11:36AM 23 Q Ten to 15 percent of a 2.5 million job --

11:36AM 24 A Yes.

11:37AM 25 Q -- would be a lot of money?

11:37AM 1 A Yes.

11:37AM 2 Q Over 200,000 potentially?

11:37AM 3 A Yes.

11:37AM 4 Q How much did you get?

11:37AM 5 A Nothing.

11:37AM 6 Q Do you know how much this Ferrari cost?

11:37AM 7 A Probably as much as I would have got for my commission.

11:37AM 8 MR. INCIONG: Okay. We can take that down.

11:37AM 9 BY MR. INCIONG:

11:37AM 10 Q Now, Mr. Freitas, you also admitted to -- in your plea

11:37AM 11 agreement to committing assaults, correct?

11:37AM 12 A Yes.

11:37AM 13 Q Those are not racketeering acts by themselves, but you

11:37AM 14 testified that you committed those to further the enterprise?

11:37AM 15 A Yes.

11:37AM 16 Q Who did you commit some of these assaults with again?

11:37AM 17 A Jake Smith and John Stancil.

11:37AM 18 Q And in your mind, how did committing these assaults on

11:37AM 19 behalf of Mr. Miske further or help the enterprise?

11:37AM 20 A Being feared.

11:38AM 21 Q Were there any other assaults that you planned to commit

11:38AM 22 with Mr. Miske that didn't happen for -- for whatever reason?

11:38AM 23 A It was one time that we was just -- I had some issues. We

11:38AM 24 masked up with batons but nothing happened.

11:38AM 25 Q So when you say "we," who is we to begin with?

11:38AM 1 A John Stancil and Mike.

11:38AM 2 Q So you all masked up, you wore -- put on masks?

11:38AM 3 A Yes.

11:38AM 4 Q And you say "baton," what does that mean?

11:38AM 5 A It was metal batons.

11:38AM 6 Q That -- that's like a weapon that sometimes law

11:38AM 7 enforcement will use?

11:38AM 8 A Yes.

11:38AM 9 Q Does that -- did those retract and they can be extended to

11:38AM 10 be longer?

11:38AM 11 A Yes.

11:38AM 12 Q Are those typically made out of metal?

11:38AM 13 A Yes.

11:38AM 14 Q When do you recall that took place?

11:38AM 15 A I had an issue with my ex-girlfriend, and we went there.

11:39AM 16 We went there and we seen HPD. I had some problems with her.

11:39AM 17 My girlfriend's cousin.

11:39AM 18 Q HPD was there when you got there?

11:39AM 19 A HPD was there, so we left.

11:39AM 20 Q So it was called off?

11:39AM 21 A Yes.

11:39AM 22 Q And it never happened?

11:39AM 23 A Yes.

11:39AM 24 Q Had HPD not been there, you planned to carry through with

11:39AM 25 it?



11:39AM 1 A Yes.

11:39AM 2 Q So I want to ask you a little bit more about this phone

11:39AM 3 that you had in your possession at the time of your arrest. Do

11:39AM 4 you recall the phone number for that phone?

11:39AM 5 A Yes.

11:39AM 6 Q What was the phone number?

11:39AM 7 A 585-1944, 808 area code.

11:39AM 8 Q So did you typically carry more than one phone at a time?

11:39AM 9 A No, not really.

11:39AM 10 Q So was this the -- the only phone that you were using at

11:40AM 11 the time you were arrested in 2020?

11:40AM 12 A Mainly, yes.

11:40AM 13 Q When you say "mainly," what do you mean by that?

11:40AM 14 A I had another one as well. At that time, it was buy one

11:40AM 15 get one so I bought this one and another phone.

11:40AM 16 Q Were you actively using that phone or was it a backup?

11:40AM 17 A It was just a backup.

11:40AM 18 Q So this -- the phone that you -- the phone number you just

11:40AM 19 indicated, that's the phone that you identified just a few

11:40AM 20 minutes ago?

11:40AM 21 A Yes.

11:40AM 22 Q That was the one that you used primarily?

11:40AM 23 A Yes.

11:40AM 24 Q Did you have a number of contacts that you stored in that

11:40AM 25 particular phone?

11:40AM 1 A In this phone?

11:40AM 2 Q Yes.

11:40AM 3 A Yes.

11:40AM 4 MR. INCIONG: Your Honor, could we show for Mr.

11:40AM 5 Freitas only Exhibit 1-630 at this time?

11:40AM 6 THE COURT: Go ahead.

11:40AM 7 BY MR. INCIONG:

11:40AM 8 Q Mr. Freitas, do you recognize what's been marked as 1-630?

11:41AM 9 A Yes.

11:41AM 10 Q Is this your contacts list that was in the phone with the  
11:41AM 11 phone number ending 1944?

11:41AM 12 A Yes.

11:41AM 13 Q Is it fair to say that you had quite a few contacts in  
11:41AM 14 your contacts list?

11:41AM 15 A Yes.

11:41AM 16 Q Prior to coming to court today, did you review and go  
11:41AM 17 through that entire contacts list?

11:41AM 18 A Yes.

11:41AM 19 Q Did you recognize that as being the contacts you had  
11:41AM 20 stored in this phone?

11:41AM 21 A Yes.

11:41AM 22 Q If we need to scroll through this to make sure for you,  
11:41AM 23 let us know. But in looking at this first page and scrolling  
11:41AM 24 down at least for the next couple to give you an idea, is this  
11:41AM 25 the -- the contact list that you reviewed prior to coming to

11:41AM 1 court today that was taken from your phone with the phone

11:41AM 2 number ending in 1944?

11:41AM 3 A Yes.

11:41AM 4 MR. INCIONG: Your Honor, I would move to admit

11:41AM 5 Exhibit 1-630. This is an extraction again foundation and

11:42AM 6 authenticity has been stipulated to by the parties. This is 23

11:42AM 7 pages long. Mr. Freitas has identified it as the contact list

11:42AM 8 from the phone he had in his possession at the time of his

11:42AM 9 arrest.

11:42AM 10 THE COURT: Mr. Kennedy any, objection?

11:42AM 11 MR. KENNEDY: Your Honor, if I could just see the

11:42AM 12 pages? I don't think I do but...

11:42AM 13 THE COURT: Of course. I think he's scrolling through

11:42AM 14 it as we speak.

11:42AM 15 MR. KENNEDY: He is, thank you, sir. No objection,

11:44AM 16 Your Honor.

11:44AM 17 THE COURT: Without objection Exhibit 1-630 is

11:44AM 18 admitted and you may publish.

11:44AM 19 MR. INCIONG: Thank you, Your Honor.

11:44AM 20 (Exhibit 1-630 was received in evidence.)

11:44AM 21 BY MR. INCIONG:

11:44AM 22 Q So, Mr. Freitas, starting on page one of Exhibit 1-630,

11:44AM 23 I'm not going to go through every one of these with you but I

11:44AM 24 do want to ask you about a number of them. So starting with

11:44AM 25 contact number one, that contact is Allen Lau, correct?

11:44AM 1 A Yes.

11:44AM 2 Q That was the same gentlemen that you identified in one of

11:44AM 3 the pictures at the M club earlier today?

11:44AM 4 A Yes.

11:44AM 5 Q That's your cousin, correct?

11:44AM 6 A Yes.

11:44AM 7 Q Okay. Could we go down to contact number five, please?

11:44AM 8 Do you recognize that name?

11:44AM 9 A Yes.

11:44AM 10 Q Andi, A-N-D-I?

11:45AM 11 A Yes.

11:45AM 12 Q Who is Andi?

11:45AM 13 A One of Mike's girlfriends.

11:45AM 14 Q Do you know Andi's full name?

11:45AM 15 A I believe the last name starts with a K.

11:45AM 16 Q Does the name Kaneakua sound familiar?

11:45AM 17 A Yes.

11:45AM 18 Q That's listed on -- see the source under Andi's name? It

11:45AM 19 says WhatsApp, correct?

11:45AM 20 A Yes.

11:45AM 21 Q So that's the -- the encrypted app that you would use

11:45AM 22 sometimes?

11:45AM 23 A Yes.

11:45AM 24 Q And Andi's number is listed as (808) 724-8697?

11:45AM 25 A Yes.

11:45AM 1 Q Did Andi work at Kama'aina Termite and Pest Control?

11:45AM 2 A Yes.

11:45AM 3 Q What was her position there?

11:45AM 4 A I believe she was a manager.

11:45AM 5 Q When you were working there reporting to the shop every

11:45AM 6 day, was she always there?

11:45AM 7 A Yes.

11:45AM 8 Q Where was her office in relation to Mr. Miske's office?

11:45AM 9 A Right above Mike's office, second floor.

11:45AM 10 Q Did you see her frequently in Mike's office when you were

11:45AM 11 there?

11:45AM 12 A Yes.

11:45AM 13 Q Could we go next to page two to contact number ten? Do

11:46AM 14 you recognize that contact?

11:46AM 15 A Yes.

11:46AM 16 Q Who is Angela Varnadore?

11:46AM 17 A One of Mike's girlfriends.

11:46AM 18 Q Where did Angela Varnadore work, if you know?

11:46AM 19 A She did the advertisement.

11:46AM 20 Q For which company?

11:46AM 21 A Kama'aina Termite and Pest Control.

11:46AM 22 Q And again that's another -- that's a WhatsApp source

11:46AM 23 contact there?

11:46AM 24 A Yes.

11:46AM 25 Q Angela Varnadore's number is (808) 778-8776?

11:46AM 1 A Yes.

11:46AM 2 Q All right. Can I have you turn then to page three and

11:46AM 3 look at contact 13? That's Caleb Miske?

11:46AM 4 A Yes.

11:46AM 5 Q That was his phone number?

11:46AM 6 A Yes.

11:46AM 7 Q Also on WhatsApp?

11:47AM 8 A Yes.

11:47AM 9 Q All right. Let me next have you turn to page four,

11:47AM 10 please. Contact number 24. Do you see that name?

11:47AM 11 A Yes.

11:47AM 12 Q Who is Jake Cook?

11:47AM 13 A Family friend.

11:47AM 14 Q Do you know where Jake Cook grew up?

11:47AM 15 A Waimanalo.

11:47AM 16 Q Were you friends with Jake -- Jake Cook?

11:47AM 17 A Yes.

11:47AM 18 Q Was John Stancil friends with Jake Cook?

11:47AM 19 A Yes.

11:47AM 20 Q Was Mr. Miske friends with Jake Cook?

11:47AM 21 A Yes.

11:47AM 22 Q Did you know Jake Cook from growing up as kids?

11:47AM 23 A Yes.

11:47AM 24 Q So there this is not a phone number but this is -- the

11:47AM 25 source is Snapchat, correct?

11:47AM 1 A Yes.

11:47AM 2 Q You used Snapchat on occasion?

11:47AM 3 A Yes.

11:47AM 4 Q So if we go to page five, please. Contact number 26.

11:48AM 5 Jake Cook's name is there again, correct?

11:48AM 6 A Yes.

11:48AM 7 Q And is that a phone number on WhatsApp for him?

11:48AM 8 A Yes.

11:48AM 9 Q And that's (808) 864-1897?

11:48AM 10 A Yes.

11:48AM 11 Q Could I have you look at contract number 28 next? Who is

11:48AM 12 Craig Ivester?

11:48AM 13 A My uncle.

11:48AM 14 Q Where did Craig Ivester grow up?

11:48AM 15 A Waimanalo.

11:48AM 16 Q And this is a WhatsApp source number as well?

11:48AM 17 A Yes.

11:48AM 18 Q And that's area code (702) 409-9940?

11:48AM 19 A Yes.

11:48AM 20 Q Do you recognize the 702 area code?

11:48AM 21 A Yes.

11:48AM 22 Q What area code is that attributed to?

11:48AM 23 A Las Vegas.

11:48AM 24 Q Did Craig Ivester in Las Vegas?

11:48AM 25 A Yes.

11:48AM 1 Q Let me have you next look at contact 34 which is on page  
11:48AM 2 six. Who is David Melton?  
11:49AM 3 A He worked for Kama'aina Termite and Pest Control.  
11:49AM 4 Q What was David Melton's position there?  
11:49AM 5 A He was a manager.  
11:49AM 6 Q And then contact 35, that's below that, is there a  
11:49AM 7 WhatsApp listed for David Melton?  
11:49AM 8 A Yes.  
11:49AM 9 Q 237-9969?  
11:49AM 10 A Yes.  
11:49AM 11 Q All right. Could we next go down to contact number 38 on  
11:49AM 12 that same page? Who is Dealz, D-E-A-L-Z?  
11:49AM 13 A Delia.  
11:49AM 14 Q Delia Fabro-Miske?  
11:49AM 15 A Yes.  
11:49AM 16 Q Is there a phone number for her there?  
11:49AM 17 A Yes.  
11:49AM 18 Q On WhatsApp as well?  
11:49AM 19 A Yes.  
11:49AM 20 Q That's (808) 726-4429?  
11:49AM 21 A Yes.  
11:49AM 22 Q Let's go to page seven next please and contact number 43,  
11:50AM 23 Eric Lum. This is the same Eric Lum that -- that you robbed of  
11:50AM 24 the marijuana?  
11:50AM 25 A Yes.



11:50AM 1 Q That Mr. Miske had to come and protect you from being --  
11:50AM 2 from the retribution from that?  
11:50AM 3 A Yes.  
11:50AM 4 Q And his phone number is (808) 445-0964?  
11:50AM 5 A Yes.  
11:50AM 6 Q Could we go next to page eight? The top contact there 46,  
11:50AM 7 that's Jay Ivester. Who is Jay Ivester?  
11:50AM 8 A My uncle.  
11:50AM 9 Q Contact 46. Next. Do you see that?  
11:50AM 10 A Yes.  
11:50AM 11 Q Rich Ivester?  
11:50AM 12 A Yes.  
11:50AM 13 Q Is that another uncle?  
11:50AM 14 A Yes.  
11:50AM 15 THE COURT: Is that contact 46?  
11:50AM 16 MR. INCIONG: I'm sorry. Contact 48. I'm sorry. We  
11:51AM 17 went to -- from 46 to 48. Thank you.  
11:51AM 18 BY MR. INCIONG:  
11:51AM 19 Q All right. Could we go please next to page nine, contact  
11:51AM 20 56. Jake Smith, correct?  
11:51AM 21 A Yes.  
11:51AM 22 Q This is the Jake Smith that you said that you discussed  
11:51AM 23 robberies with?  
11:51AM 24 A Yes.  
11:51AM 25 Q That you were dealing oxycodone with?

11:51AM 1 A Yes.

11:51AM 2 Q And this is a Snapchat contact you had for Jake Smith?

11:51AM 3 A Yes.

11:51AM 4 Q Could we go next to page ten, contact number 62? Jason

11:51AM 5 Yokoyama?

11:51AM 6 A Yes.

11:51AM 7 Q That was the person you identified as the manager of

11:51AM 8 Mr. Miske's nightclub?

11:52AM 9 A Yes.

11:52AM 10 Q Could we go please to page 11, contact 69. Who is JB?

11:52AM 11 A John Blane.

11:52AM 12 Q John Blane Stancil?

11:52AM 13 A Yes.

11:52AM 14 Q And there's a WhatsApp number there for him, correct?

11:52AM 15 A Yes.

11:52AM 16 Q That's (808) 469-5665?

11:52AM 17 A Yes.

11:52AM 18 Q Can we go to page 12? Contact number 78. I'm sorry, 76.

11:52AM 19 Is that another contact for John Stancil?

11:52AM 20 A Yes.

11:52AM 21 Q And that's a WhatsApp source as well?

11:52AM 22 A Yes.

11:52AM 23 Q But -- but that is a different number than the other

11:52AM 24 contact, correct?

11:52AM 25 A Yes.

11:53AM 1 Q So this one is (808) 799-3229?

11:53AM 2 A Yes.

11:53AM 3 Q Did you know Mr. Stancil to use multiple phone numbers or

11:53AM 4 multiple phones?

11:53AM 5 A Here and there.

11:53AM 6 Q Okay. You have two different contact numbers for him in

11:53AM 7 your -- your contacts, correct?

11:53AM 8 A Yes.

11:53AM 9 Q If we could go to page 15, contact number 89. You see the

11:53AM 10 contact for Manheim Hawaii?

11:53AM 11 A Yes.

11:53AM 12 Q That's the auto auction you referenced before, correct?

11:53AM 13 A Yes.

11:53AM 14 Q And that's their phone number?

11:53AM 15 A Yes.

11:53AM 16 Q All right. Could we look at phone number -- I'm sorry,

11:53AM 17 phone contact 91? Do you see that one?

11:53AM 18 A Yes.

11:53AM 19 Q Who is Maydeen?

11:54AM 20 A My auntie.

11:54AM 21 Q That's Maydeen Stancil?

11:54AM 22 A Yes.

11:54AM 23 Q That's John Stancil and Mike Miske's mother?

11:54AM 24 A Yes.

11:54AM 25 Q And that phone number is (808) 216-6795?

11:54AM 1 A Yes.

11:54AM 2 Q Let me have you look next at page 16 starting with

11:54AM 3 contract number 96. Mike M, who is that?

11:54AM 4 A Mike Miske.

11:54AM 5 Q That's a WhatsApp number, correct?

11:54AM 6 A Yes.

11:54AM 7 Q That's (808) 341-4299?

11:54AM 8 A Yes.

11:54AM 9 Q Could I have you look at contact number one -- I'm sorry,

11:54AM 10 99, the one above that. That's a gmail contact for Mike Miske?

11:54AM 11 A Yes.

11:55AM 12 Q And the email is mike@kama'aina.com?

11:55AM 13 A Yes.

11:55AM 14 Q We look at contact number 100. That's another gmail

11:55AM 15 contact for Mr. Miske, correct?

11:55AM 16 A Yes.

11:55AM 17 Q And that email is mike@mnlnhl.com?

11:55AM 18 A Yes.

11:55AM 19 Q Okay. Let's turn next to page 17, please. Contact number

11:55AM 20 105. Mikey Miske. That's Mike Miske, the defendant, correct?

11:55AM 21 A Yes.

11:55AM 22 Q That's a WhatsApp number?

11:55AM 23 A Yes.

11:55AM 24 Q And this is a second number that you had for him in your

11:55AM 25 contacts list?

11:55AM 1 A Yes.

11:55AM 2 Q (808) 729-3034?

11:55AM 3 A Yes.

11:55AM 4 Q Could I have you look at exhibit -- I'm sorry, contact

11:55AM 5 number 107, please, Mr. Freitas? Do you see that one?

11:55AM 6 A Yes.

11:55AM 7 Q That contact says my Miley, M-I-L-E-Y, M. Is that correct

11:56AM 8 or is that a typo?

11:56AM 9 A Say that again.

11:56AM 10 Q Is Miley, is that -- is that correct or is that a typo?

11:56AM 11 A No, that's Miley.

11:56AM 12 Q Okay. So that's someone different than Mikey M?

11:56AM 13 A Yes.

11:56AM 14 Q Okay. All right. Let me have you look next at page 18,

11:56AM 15 contact number 110, the first one at the top of the page. Who

11:56AM 16 is Mills W?

11:56AM 17 A Wayne Mills, Wayne Miller.

11:56AM 18 Q And that's a WhatsApp number for him?

11:56AM 19 A Yes.

11:56AM 20 Q (808) 321-8464?

11:56AM 21 A Yes.

11:56AM 22 Q If we look at contact number 112, that's capital M, small

11:56AM 23 M. Who is that?

11:56AM 24 A Mike Miske.

11:56AM 25 Q And there's a phone number there of (808) 321-8464?

11:57AM 1 A No. It's 439-5220. That's on my screen at 112.

11:57AM 2 Q My mistake, sorry. (808) 439-5220, thank you. That's the

11:57AM 3 number you had for Mr. Miske?

11:57AM 4 A Yes.

11:57AM 5 Q Okay. Could you look at number 114, contact number 114,

11:57AM 6 two capital Ms here, MM. Who is that?

11:57AM 7 A Mike Miske.

11:57AM 8 Q There is yet another number here for Mr. Miske, correct?

11:57AM 9 A Yes.

11:57AM 10 Q That's (808) 376-6481?

11:57AM 11 A Yes.

11:57AM 12 Q And that's a WhatsApp source number?

11:57AM 13 A Yes.

11:57AM 14 Q Can I -- you look at contact number 115, please? That's

11:57AM 15 another two capital Ms, correct?

11:57AM 16 A Yes.

11:57AM 17 Q Who is that?

11:57AM 18 A Mike Miske.

11:57AM 19 Q And that's a WhatsApp number?

11:57AM 20 A Yes.

11:57AM 21 Q And that's another number (808) 228-7500?

11:58AM 22 A Yes.

11:58AM 23 Q Was it customary for Mr. Miske to have several different

11:58AM 24 phone numbers like this?

11:58AM 25 A I don't know about several. Usually a couple phones he'll

11:58AM 1 have.

11:58AM 2 Q Okay. But you had multiple phone numbers in your contacts

11:58AM 3 list for him, correct?

11:58AM 4 A Yes.

11:58AM 5 Q Could we go next to page 20, please, contact number 124.

11:58AM 6 Who is Preston?

11:58AM 7 A Preston Kimoto.

11:58AM 8 Q Preston Kimoto worked where?

11:58AM 9 A O'ahu Termite and Pest Control.

11:58AM 10 Q Did you -- were you friends with Mr. Kimoto?

11:58AM 11 A Yes.

11:58AM 12 Q Work friends or did you socialize with him as well?

11:58AM 13 A Work and socialized.

11:58AM 14 Q Was Mr. Kimoto friends with Mr. Miske?

11:58AM 15 A Yes.

11:58AM 16 Q How would you describe their relationship?

11:58AM 17 A Close.

11:58AM 18 Q Mr. Kimoto had a WhatsApp number here as well, correct?

11:59AM 19 A Yes.

11:59AM 20 Q (808) 859-2822?

11:59AM 21 A Yes.

11:59AM 22 Q Could we go to page 21 next, please? Contact number 134.

11:59AM 23 Who is Richard McGuyer?

11:59AM 24 A My other cousin.

11:59AM 25 Q Did Mr. McGuyer work at Kama'aina Termite and Pest

11:59AM 1 Control?

11:59AM 2 A He did before.

11:59AM 3 Q Before what?

11:59AM 4 A He left.

11:59AM 5 Q Do you know why he left?

11:59AM 6 A Just started a new business.

11:59AM 7 Q Do you know what that business was?

11:59AM 8 A It was staging houses.

11:59AM 9 Q Can I have you look at the contact right below that number

11:59AM 10 135, Tia P. Do you know who Tia P is?

11:59AM 11 A Tia Paoa.

11:59AM 12 Q Who is Tia Paoa?

11:59AM 13 A Another worker for the businesses.

12:00PM 14 Q What did she do for the business?

12:00PM 15 A She did the solar side.

12:00PM 16 Q And that's a WhatsApp number for Tia Paoa as well?

12:00PM 17 A Yes.

12:00PM 18 Q 227-3707?

12:00PM 19 A Yes.

12:00PM 20 MR. INCIONG: Okay. Okay. I have no further

12:00PM 21 questions regarding Exhibit 1-630.

12:00PM 22 THE COURT: This might be a good time then,

12:00PM 23 Mr. Inciong.

12:00PM 24 MR. INCIONG: That's fine.

12:00PM 25 THE COURT: All right. We're at -- just at the noon



12:00PM 1 hour. And we've been going for about 90 minutes. We'll go  
12:00PM 2 into our second break of the trial day then at this point.  
12:00PM 3 I'll remind our jurors to please refrain from discussing the  
4 substance of this case with anyone, including each another,  
5 until I advise you otherwise; to refrain from accessing any  
6 media or other accounts of this case that may be out there; and  
7 finally, please do not conduct any independent investigation  
8 into the facts, circumstances or persons involved.

12:00PM 9 So let's try to keep it to about a 15 or 20-minute  
12:01PM 10 break and we will resume with a little more than an hour left  
12:01PM 11 in the trial week.

12:01PM 12 (Proceedings were recessed at 12:01 p.m. to 12:26  
12:02PM 13 p.m.)

12:26PM 14 THE COURT: All right. We've returned from our second  
12:26PM 15 and final break of the trial day.

12:26PM 16 And, Mr. Inciong, you may resume your direct  
12:26PM 17 examination of Mr. Freitas when you're ready.

12:26PM 18 MR. INCIONG: Thank you, Your Honor. Before I  
12:26PM 19 proceed, I had neglected to move to admit Exhibit 1-638. This  
12:26PM 20 was an extraction from the phone that is marked as Exhibit  
12:26PM 21 1-632. Mr. Freitas identified and we admitted the actual  
12:26PM 22 photographs that were captured in that extraction but I wanted  
12:26PM 23 to also move to admit the extraction report.

12:26PM 24 THE COURT: All right. Any objection to that?

12:26PM 25 MR. KENNEDY: No objection, Your Honor.

12:26PM 1 THE COURT: All right. Without objection 1-638 is  
12:26PM 2 admitted. And you are correct that the subsequent Exhibits  
12:26PM 3 639, etcetera, were part of 638 and have been admitted.

12:26PM 4 MR. INCIONG: Thank you, Your Honor.

12:26PM 5 (Exhibits 1-638 was received in evidence.)

12:26PM 6 BY MR. INCIONG:

12:26PM 7 Q Mr. Freitas, just a few more requests for you, sir. Could  
12:26PM 8 I start with having you look at Exhibit 2-24, please?

12:27PM 9 MR. INCIONG: This has been previously admitted, Your  
12:27PM 10 Honor, if I could publish that.

12:27PM 11 THE COURT: Yes, you may. It has been.

12:27PM 12 MR. INCIONG: Thank you, Your Honor.

12:27PM 13 BY MR. INCIONG:

12:27PM 14 Q Mr. Freitas, do you recognize what's shown in this  
12:27PM 15 particular photograph?

12:27PM 16 A Yes.

12:27PM 17 Q How do you recognize that?

12:27PM 18 A This is the apartment in Hawaii Kai.

12:27PM 19 Q Okay. Can I have you look at Exhibit 2-101 which has also  
12:27PM 20 previously been admitted. Is that a different angle of that --  
12:27PM 21 that same apartment you referenced?

12:27PM 22 A Yes.

12:27PM 23 Q How do you know of this apartment?

12:27PM 24 A This is where Delia and Mike used to stay.

12:27PM 25 Q Had you been to that apartment yourself?

12:27PM 1 A Yes.

12:27PM 2 Q Do you recall the time frame of when you believed

12:27PM 3 Mr. Miske and Delia resided there?

12:27PM 4 A The time frame, no.

12:27PM 5 MR. INCIONG: I'm sorry. May I publish this, too,

12:27PM 6 Your Honor, 2-101?

12:27PM 7 THE COURT: Yes, you may. It's been admitted.

12:28PM 8 MR. INCIONG: Thank you.

12:28PM 9 BY MR. INCIONG:

12:28PM 10 Q In regard to if -- if we give you a -- a reference as

12:28PM 11 to -- you recall the Caleb Miske passed away in March of 2016,

12:28PM 12 correct?

12:28PM 13 A Yes.

12:28PM 14 Q Do you recall whether Mr. Miske and Delia stayed at this

12:28PM 15 apartment after or before Caleb passed away?

12:28PM 16 A After.

12:28PM 17 MR. INCIONG: Could we show Mr. Freitas Exhibit 2-23,

12:28PM 18 please, and if we could publish that? That's been previously

12:28PM 19 been admitted as well I believe.

12:28PM 20 THE COURT: Yes.

12:28PM 21 MR. INCIONG: Thank you, Your Honor.

12:28PM 22 BY MR. INCIONG:

12:28PM 23 Q Mr. Freitas, does this map of Hawaii Kai?

12:28PM 24 A Yes.

12:28PM 25 Q Does this show the location of the apartment that you just

12:28PM 1 recognized in the previous two photos on this map?

12:28PM 2 A Yes.

12:28PM 3 Q Could you indicate -- if -- if there's a marking area, you  
12:29PM 4 can make your own marking as to approximately where that  
12:29PM 5 apartment was located. You -- you circled the red tag that's  
12:29PM 6 on Keokea Place; is that correct?

12:29PM 7 A Um-hm.

12:29PM 8 MR. INCIONG: Okay. All right. We can take that  
12:29PM 9 down.

12:29PM 10 BY MR. INCIONG:

12:29PM 11 Q So, Mr. Freitas, you indicated that when you were  
12:29PM 12 initially arrested you spent about 18 months almost in custody  
12:29PM 13 before you were released?

12:29PM 14 A Yes.

12:29PM 15 Q You were released in January of 2022?

12:29PM 16 A Yes.

12:29PM 17 Q So when you were in custody for those first 18 months,  
12:29PM 18 were you housed in the FDC Honolulu with any of your  
12:29PM 19 codefendants?

12:29PM 20 A Yes.

12:29PM 21 Q Do you recall which codefendants you were housed with?

12:29PM 22 A Dae Han Moon, Lance Bermudez, Norman Akau and John Stancil  
12:29PM 23 and Jarrin Young.

12:29PM 24 Q Okay. You said you began cooperating in May of 2021 so  
12:29PM 25 almost a year after you were arrested, correct?

12:29PM 1 A Yes.

12:29PM 2 Q In the period before you began cooperating, did you  
12:30PM 3 discuss your case with any of those individuals?

12:30PM 4 A No.

12:30PM 5 Q At any point, did you have access to any of those  
12:30PM 6 individuals' discovery or -- or reports?

12:30PM 7 A No.

12:30PM 8 Q You said earlier that you only told your mother and father  
12:30PM 9 you were cooperating, correct?

12:30PM 10 A Yes.

12:30PM 11 Q After you were released in January of 2022, did you have  
12:30PM 12 any contact whatsoever with any of your codefendants?

12:30PM 13 A No.

12:30PM 14 Q Did you ever speak with Jake Smith about agreeing to try  
12:30PM 15 and blame everything on Mr. Miske?

12:30PM 16 A No.

12:30PM 17 Q Did you ever speak with Lance Bermudez about trying to  
12:30PM 18 frame Mr. Miske?

12:30PM 19 A No.

12:30PM 20 Q Did you ever speak with Norman Akau about trying to blame  
12:30PM 21 Mr. Miske?

12:30PM 22 A No.

12:30PM 23 Q Harry Kauhi?

12:30PM 24 A No.

12:30PM 25 Q Dae Han Moon?

12:30PM 1 A No.

12:30PM 2 Q Did you speak with anyone about trying to blame anyone  
12:30PM 3 else other than yourself in this case?

12:30PM 4 A No.

12:30PM 5 MR. INCIONG: I have no further questions for  
12:31PM 6 Mr. Freitas, Your Honor.

12:31PM 7 THE COURT: Mr. Kennedy, cross-examination when you're  
12:31PM 8 ready.

12:31PM 9 CROSS-EXAMINATION

12:31PM 10 BY MR. KENNEDY:

12:31PM 11 Q Sir, let's start with the Mike Char robbery, okay?

12:31PM 12 A Yes.

12:31PM 13 Q We saw you in the car with Mike Char?

12:31PM 14 A Yes.

12:31PM 15 Q He had stacks of bills?

12:31PM 16 A Yes.

12:31PM 17 Q Hundred dollar bills you believed?

12:31PM 18 A Yes.

12:31PM 19 Q Was going to be about a hundred thousand dollars, right?

12:31PM 20 A Yes.

12:31PM 21 Q So you knew that, right?

12:31PM 22 A Yes.

12:31PM 23 Q And then you and it appears John Stancil were in on the  
12:31PM 24 plan?

12:31PM 25 A Yes.

12:31PM 1 Q And then you brought in Keoni Adric, right?

12:31PM 2 A Yes.

12:31PM 3 Q And Keli'i Young?

12:31PM 4 A Keli'i Foster.

12:31PM 5 Q Foster also known sometimes as Keli'i Young as well?

12:31PM 6 A Yes.

12:31PM 7 Q Lance Bermudez?

12:32PM 8 A Yes.

12:32PM 9 Q And Frankie Silva?

12:32PM 10 A Yes.

12:32PM 11 Q Okay. So the plan was there was six of you, right?

12:32PM 12 A Yes.

12:32PM 13 Q And you were going to split what you thought was a hundred

12:32PM 14 thousand dollars, right?

12:32PM 15 A Yes.

12:32PM 16 Q So you came up with a plan to trick Mike Char to get to

12:32PM 17 the bay, right?

12:32PM 18 A Yes.

12:32PM 19 Q And so you got him at the bay and then you and John

12:32PM 20 Stancil were going to fool him and act like you were being

12:32PM 21 robbed, right?

12:32PM 22 A Yes.

12:32PM 23 Q So Keoni Adric came up with a mask, right?

12:32PM 24 A Yes.

12:32PM 25 Q Frankie Silva came up with a mask, right?

12:32PM 1 A Yes.

12:32PM 2 Q Lance Bermudez came up with a mask, right?

12:32PM 3 A Yes.

12:32PM 4 Q And Mr. Foster came up with a mask, right?

12:32PM 5 A Yes.

12:32PM 6 Q And they didn't just come up with a mask, they had guns,

12:32PM 7 right?

12:32PM 8 A Two of them did have guns.

12:32PM 9 Q Two of them, right?

12:32PM 10 A Yes.

12:32PM 11 Q And so what happened was then you jumped down to the

12:32PM 12 ground, right?

12:32PM 13 A Yes.

12:32PM 14 Q John did as well, right?

12:32PM 15 A Yes.

12:32PM 16 Q As part of this plan, right?

12:32PM 17 A Yes.

12:32PM 18 Q That the six of you kicked up, right?

12:32PM 19 A Yes.

12:32PM 20 Q Then two guys with a gun were there pointing it at Mike

12:33PM 21 Char, right?

12:33PM 22 A Yes.

12:33PM 23 Q And then you said a couple of guys started beating him,

12:33PM 24 right?

12:33PM 25 A Yes.



12:33PM 1 Q And then you were kicking him to the ground?

12:33PM 2 A Yes.

12:33PM 3 Q And then all of sudden, he got stripped of his shirt and

12:33PM 4 his pants?

12:33PM 5 A Yes.

12:33PM 6 Q Took his keys, right?

12:33PM 7 A Yes.

12:33PM 8 Q And you needed the keys because that was the key to get

12:33PM 9 that hundred thousand dollars, right?

12:33PM 10 A Yes.

12:33PM 11 Q That the six of you were going to split between

12:33PM 12 yourselves, right?

12:33PM 13 A Correct.

12:33PM 14 Q And so then someone takes the car away, right?

12:33PM 15 A Yes.

12:33PM 16 Q With the money, right?

12:33PM 17 A Yes.

12:33PM 18 Q Okay. And Mike Char goes across the street I understand

12:33PM 19 it and calls the police, right?

12:33PM 20 A Yes.

12:33PM 21 Q So he reached out to the police, right?

12:33PM 22 A Yes.

12:33PM 23 Q And you saw him do that, correct?

12:33PM 24 A Correct.

12:33PM 25 Q So then you and John Stancil got away, right?

12:33PM 1 A Yes.

12:33PM 2 Q And then you didn't want to be there during that time,  
12:34PM 3 right?

12:34PM 4 A Correct.

12:34PM 5 Q But then you figured maybe you'd go back and act like you  
12:34PM 6 had just been there, right?

12:34PM 7 A Yes.

12:34PM 8 Q So that no one would interview you about what happened,  
12:34PM 9 right?

12:34PM 10 A Not interview.

12:34PM 11 Q Well, you got HPD. He is calling the cops. You figured  
12:34PM 12 he was calling somebody, right?

12:34PM 13 A Nobody showed up. We was with him the whole time.

12:34PM 14 Q Okay.

12:34PM 15 A He was across the street.

12:34PM 16 Q He was across the street?

12:34PM 17 A Yes.

12:34PM 18 Q Okay. And so eventually then what happened was Mike Char  
12:34PM 19 you said reached out to the police?

12:34PM 20 A Yes.

12:34PM 21 Q And he reached out to Mike Miske, didn't he?

12:34PM 22 A Yes.

12:34PM 23 Q Came to his house, right?

12:34PM 24 A Yes.

12:34PM 25 Q Told him what had happened, right?

12:34PM 1 A Correct.

12:34PM 2 Q Asked for help in getting his car back, right?

12:34PM 3 A Yes.

12:34PM 4 Q Mike got him his car back, right?

12:34PM 5 A Yes.

12:34PM 6 Q And you said, he was mad because you committed the robbery

12:34PM 7 at the bay, right?

12:34PM 8 A Yes.

12:34PM 9 Q But he was mad because you committed the robbery, right?

12:34PM 10 A Part of it.

12:34PM 11 Q Yes. Because he didn't know a thing about it, did he?

12:34PM 12 A No.

12:34PM 13 Q He didn't know anything about your robbing, correct?

12:35PM 14 A No.

12:35PM 15 Q He didn't know anything about these robberies that you

12:35PM 16 were doing, right?

12:35PM 17 A No.

12:35PM 18 Q With Chad Duncan, right?

12:35PM 19 A No.

12:35PM 20 Q Jake Smith?

12:35PM 21 A No.

12:35PM 22 Q John Stancil maybe?

12:35PM 23 A No.

12:35PM 24 Q Did this one -- didn't know a thing about it, did he?

12:35PM 25 A No.

12:35PM 1 Q So the idea wasn't that it happened at the bay, that just  
12:35PM 2 made it that much worse because this was in April of 2016,  
12:35PM 3 wasn't it?

12:35PM 4 A Yes.

12:35PM 5 Q It was right after Caleb's ashes were put in that water,  
12:35PM 6 weren't they?

12:35PM 7 A Yes.

12:35PM 8 Q And so what do you do with these men but turn around and  
12:35PM 9 try to rob a man of a hundred thousand dollars, right?

12:35PM 10 A What was the question?

12:35PM 11 Q What do you do but turn around within weeks of being at a  
12:35PM 12 celebration of life and a funeral but rob a man where his ashes  
12:35PM 13 are spread?

12:35PM 14 A What do I do or what does he do?

12:36PM 15 Q What did you do? You robbed him, didn't you?

12:36PM 16 A Yes.

12:36PM 17 Q At that location?

12:36PM 18 A Yes.

12:36PM 19 Q After you jumped in the water, right?

12:36PM 20 A Yes.

12:36PM 21 Q And the ashes were spread within weeks of it, right?

12:36PM 22 A I don't know of the exact dates, if it's weeks or months  
12:36PM 23 or anything.

12:36PM 24 Q There has been that phone, what you saw, wasn't that  
12:36PM 25 April 20th on that video that we saw today on your phone?

12:36PM 1 A Yes.

12:36PM 2 Q Of 2016?

12:36PM 3 A Yes.

12:36PM 4 Q Caleb died on March 12, 2016?

12:36PM 5 A Correct.

12:36PM 6 Q Celebration of life was March 20th of 2016?

12:36PM 7 A About a month ago. A month later.

12:36PM 8 Q Okay. Not a dime from one of these robberies ever went to

12:36PM 9 Mike Miske, correct?

12:36PM 10 A Yes.

12:36PM 11 Q Now, you talked about that his -- a racketeering activity.

12:37PM 12 He did not know about it, right?

12:37PM 13 A No, he didn't know about it till later.

12:37PM 14 Q He didn't have any money from it?

12:37PM 15 A No.

12:37PM 16 Q He didn't even know it happened until afterwards, right?

12:37PM 17 A Yes.

12:37PM 18 Q And with Mike Char after he helped find Mike Char's car

12:37PM 19 and got it back to him, he went to the bay and found you and

12:37PM 20 Johnnie, right?

12:37PM 21 A Yes.

12:37PM 22 Q And what he did was he took out his anger on your car,

12:37PM 23 right?

12:37PM 24 A Yes. And then he came after us.

12:37PM 25 Q He came after you too because he was pissed, wasn't he?

12:37PM 1 A Yes.

12:37PM 2 Q Because of what you had done, right?

12:37PM 3 A Yes.

12:37PM 4 Q And so that car was totaled, right?

12:37PM 5 A Yes.

12:37PM 6 Q And you thought he'd thrown that phone into the ocean,  
12:37PM 7 right?

12:37PM 8 A Correct.

12:37PM 9 Q And that was his response to you robbing, right?

12:38PM 10 A Yes.

12:38PM 11 Q Now, you talked about protection. Keoni Adric had  
12:38PM 12 protection that night. He had one of those guns, didn't he?

12:38PM 13 A Yes.

12:38PM 14 Q And Keoni Adric knows how to use one of those guns because  
12:38PM 15 he killed two men as an FBI informant, didn't he?

12:38PM 16 A That's what I know on top the news.

12:38PM 17 Q And so does Lance Bermudez, right? He knows how to use  
12:38PM 18 those guns, right, you know that?

12:38PM 19 A Yes.

12:38PM 20 Q All right. That was their protection, right?

12:38PM 21 A You can say so, yes.

12:38PM 22 Q They protected themselves with AR15s with 45s and 40s,  
12:38PM 23 correct?

12:38PM 24 A Yes.

12:38PM 25 Q So now, let move on to the drug charge count 16 that was

12:38PM 1 dismissed against you?

12:38PM 2 A Yes.

12:38PM 3 Q Oxycodone, right?

12:39PM 4 A Yes.

12:39PM 5 Q You were selling it, right?

12:39PM 6 A Yes.

12:39PM 7 Q For a number of years, right?

12:39PM 8 A Yes.

12:39PM 9 Q All right. You already told this jury Mike Miske he

12:39PM 10 didn't have any idea that you were doing that, did he?

12:39PM 11 A No.

12:39PM 12 Q He didn't profit one dime from it?

12:39PM 13 A No.

12:39PM 14 Q You were able to sell and it was your decision to do that,

12:39PM 15 right?

12:39PM 16 A Yes.

12:39PM 17 Q It was your money, right?

12:39PM 18 A Yes.

12:39PM 19 Q You didn't have to split it with anyone, right?

12:39PM 20 A Yes.

12:39PM 21 Q And so for that you didn't need any protection, did you?

12:39PM 22 A I had protection.

12:39PM 23 Q You had protection. You were family, weren't you?

12:39PM 24 A Yes.

12:39PM 25 Q Okay. And so you said, "Family should be loyal," right?

12:40PM 1 A Yes.

12:40PM 2 Q And family means something, doesn't it?

12:40PM 3 A Yes.

12:40PM 4 Q Now, with respect to the Eric Lum incident, that was  
12:40PM 5 another one that you discussed?

12:40PM 6 A Yes.

12:40PM 7 Q That was trickery to get away with a bunch of drugs to  
12:40PM 8 sell, right?

12:40PM 9 A Yes.

12:40PM 10 Q And so we saw the text messages and when Eric Lum must  
12:40PM 11 have talked to his uncle Nate Lum, right?

12:40PM 12 A It wasn't technically his uncle.

12:40PM 13 Q Must have talk to him because he reached out to Mike  
12:40PM 14 Miske, right?

12:40PM 15 A Yes.

12:40PM 16 Q And said that he'd been robbed by you, right?

12:40PM 17 A Eric Lum, yes.

12:40PM 18 Q Because we saw his contact in your phone, right?

12:40PM 19 A Yes.

12:40PM 20 Q So someone that you knew, someone that you had a contact  
12:41PM 21 with, you treated him by robbing him of drugs, right?

12:41PM 22 A Yes.

12:41PM 23 Q All right. And so you saw the text messages that came  
12:41PM 24 between you and Mike, right?

12:41PM 25 A Yes.



12:41PM 1 Q And he referred to the fact of the -- the fact that you

12:41PM 2 had done this, right?

12:41PM 3 A Yes.

12:41PM 4 Q And that now you needed to make it right, didn't you?

12:41PM 5 A Yes.

12:41PM 6 Q But you didn't?

12:41PM 7 A No.

12:41PM 8 Q You never paid him back the 10,000, did you?

12:41PM 9 A I did not pay Eric Lum back the 10,000, no.

12:41PM 10 Q You didn't give him anything back, right?

12:41PM 11 A No.

12:41PM 12 Q Now, you mentioned something about protection, so some

12:41PM 13 guys show up at the shop, right?

12:41PM 14 A Yes.

12:41PM 15 Q And so these guys want to do something to you, right?

12:41PM 16 A Yes.

12:41PM 17 Q And you have an idea it has to do with Mr. Eric Lum,

12:41PM 18 right?

12:41PM 19 A Yes.

12:41PM 20 Q And that these guys look pretty threatening, right?

12:41PM 21 A Yes.

12:41PM 22 Q But you're not there. You hear about it later, right?

12:41PM 23 A Yes.

12:41PM 24 Q And you're not there so they can't do anything to you, can

12:42PM 25 they?

12:42PM 1 A No.

12:42PM 2 Q And so for whatever reason, that didn't happen again,  
12:42PM 3 right?

12:42PM 4 A Yes.

12:42PM 5 Q And so once again you were family, right?

12:42PM 6 A Yes.

12:42PM 7 Q Even though you had screwed up, right?

12:42PM 8 A Yes.

12:42PM 9 Q Just like when you got kicked out and you couldn't go to  
12:42PM 10 the M anymore, right?

12:42PM 11 A Yes.

12:42PM 12 Q That wasn't the only time you'd been kicked out of the M,  
12:42PM 13 right?

12:42PM 14 A No.

12:42PM 15 Q You were doing cocaine in the bathroom and it was captured  
12:42PM 16 on the cameras, right?

12:42PM 17 A Yes.

12:42PM 18 Q So when you did something like that, you were kicked out  
12:42PM 19 as well, weren't you?

12:42PM 20 A Yes.

12:42PM 21 Q And so you were removed from the club and couldn't come,  
12:42PM 22 right?

12:42PM 23 A For one weekend, yes.

12:42PM 24 Q But once again, you were given another chance, right, by  
12:42PM 25 Mike?

12:42PM 1 A Yes.

12:42PM 2 Q And so you said you'd been hired many times, right?

12:42PM 3 A Yes.

12:42PM 4 Q Fired many times right?

12:42PM 5 A Yes.

12:42PM 6 Q But each time he gave you another chance, right?

12:42PM 7 A Yes.

12:42PM 8 Q Maybe something that was lacking when you were growing up,  
12:43PM 9 right?

12:43PM 10 A "Lacking" meaning?

12:43PM 11 Q People with -- a lot of time when people screw up then  
12:43PM 12 they don't get another chance but part of being there for  
12:43PM 13 someone is when they screw up?

12:43PM 14 A Yes.

12:43PM 15 Q You give them another chance and you say, there's a right  
12:43PM 16 way to do it and a wrong way, right?

12:43PM 17 A Yes.

12:43PM 18 Q And you were given that many, many times by Mike Miske,  
12:43PM 19 weren't you?

12:43PM 20 A Yes.

12:43PM 21 Q So in 2015, you came back from Las Vegas as I understand  
12:43PM 22 it?

12:43PM 23 A 2015, 2016, yes.

12:43PM 24 Q Okay. All right. Now, I want to talk to you a little bit  
12:43PM 25 about the Maunakea job, okay?

12:43PM 1 A Yes.

12:43PM 2 Q All right. You knew Mike had started a company probably

12:43PM 3 even before you left to go to Las Vegas, right?

12:43PM 4 A Started what company?

12:43PM 5 Q Kama'aina Termite and Pest Control?

12:44PM 6 A Yes.

12:44PM 7 Q And you knew they were involved with big projects, right?

12:44PM 8 A Yes.

12:44PM 9 Q Waikiki Shell?

12:44PM 10 A Yes.

12:44PM 11 Q You can -- King Kam IV over on the Big Island, right?

12:44PM 12 A Yes.

12:44PM 13 Q Huge jobs that no one else was doing?

12:44PM 14 A Yes.

12:44PM 15 Q All right. Now, you came back in 2015 and you were

12:44PM 16 running errands, right?

12:44PM 17 A Yes.

12:44PM 18 Q You -- we saw in your phone Dave Melton, right?

12:44PM 19 A Yes.

12:44PM 20 Q David Melton was the general manager, right?

12:44PM 21 A Yes.

12:44PM 22 Q Do you have any idea that Dave Melton was working on the

12:44PM 23 Maunakea job in 2015?

12:44PM 24 A No. I think it was earlier than 2015.

12:44PM 25 Q Even -- exactly. It might have been a little bit earlier.

12:44PM 1 That was a project that had been in the works for years, right?

12:44PM 2 A Yes.

12:44PM 3 Q Okay. So then even when Mike Worden was there, you know

12:44PM 4 who he is, right?

12:44PM 5 A Yes.

12:44PM 6 Q Then later he's working on that project, right?

12:44PM 7 A I didn't know at that time he was working on that project,

12:45PM 8 no.

12:45PM 9 Q Because you may not have been working there at that time,

12:45PM 10 you might have been in Las Vegas, right?

12:45PM 11 A Las Vegas in and out and being hired and fired.

12:45PM 12 Q And being hired and hired, right?

12:45PM 13 A Yes.

12:45PM 14 Q And so these guys knew along with Mike how to do these big

12:45PM 15 jobs, right?

12:45PM 16 A Yes.

12:45PM 17 Q Okay. Now, we get to around 2019 August, right?

12:45PM 18 A Yes.

12:45PM 19 Q And that's the first time that you are given a chance to

12:45PM 20 become a rookie in sales for fumigation, right?

12:45PM 21 A Correct.

12:45PM 22 Q And so you're learning the ins and outs beginning in

12:45PM 23 August of 2019, correct?

12:45PM 24 A Yes.

12:45PM 25 Q All right. The Maunakea job was in March of 2020. Mike

12:45PM 1 flew over to the Big Island with the crew and prepped that job.

12:45PM 2 You knew that, right?

12:45PM 3 A Yes.

12:46PM 4 Q He flew over with probably 50 to 75 guys to do that job,

12:46PM 5 correct?

12:46PM 6 A Yes.

12:46PM 7 Q That job had been in the works for years, right?

12:46PM 8 A No.

12:46PM 9 Q Yes. What you're saying is all of a sudden Maunakea after

12:46PM 10 years of doing this now that it's COVID decided to do a

12:46PM 11 \$2.5 million job?

12:46PM 12 A I'm sorry, what was your question?

12:46PM 13 Q The question is: Sir, you had no experience at that time

12:46PM 14 with fumigation. You were just learning the ropes?

12:46PM 15 A I had -- I had experience with fumigations. I did

12:46PM 16 multiple fumigations but not that big of a job.

12:46PM 17 Q Correct. And so the 15 percent was for leads coming in

12:46PM 18 not something that had been in the works for years, correct?

12:46PM 19 A No. Not technically.

12:46PM 20 Q At least how you understood it, right?

12:47PM 21 A I understood it if you sell it by cubes over the price

12:47PM 22 that he was asking, it would be a 15 percent. So if you sold

12:47PM 23 the big job, you would still get the 15 percent if you made it

12:47PM 24 more than the mark.

12:47PM 25 Q And you don't think that all those years Maunakea was

12:47PM 1 dealing with Mike Miske throughout this?

12:47PM 2 A It was new people that was involved so it wasn't the same  
12:47PM 3 people. It was in the works. They did put in a quote but it  
12:47PM 4 never happened.

12:47PM 5 Q Exactly. They had already. Before you ever went into  
12:47PM 6 fumigation, there was a quote so they had been in negotiations  
12:47PM 7 for years over that job, correct?

12:47PM 8 A 2014 to 2019.

12:47PM 9 Q Correct. And then it finally was done in 2020, right?

12:47PM 10 A Yes, that's what time was good because COVID.

12:47PM 11 Q Right. Because COVID was there, they didn't have any  
12:47PM 12 occupants. So at that time they could -- the place was shut  
12:48PM 13 down. It was the perfect time to do that large-scale  
12:48PM 14 fumigation of that entire property, right?

12:48PM 15 A Correct.

12:48PM 16 Q All right. And now you said that you believed from the  
12:48PM 17 time you got there in 2019 in August to March '20 that you were  
12:48PM 18 entitled to 200 to \$250,000?

12:48PM 19 A We never discussed what I was going to get paid.

12:48PM 20 Q While you were learning the ropes?

12:48PM 21 A I'm sorry?

12:48PM 22 Q While you were learning the ropes, right? Because you  
12:48PM 23 were following Preston around, right?

12:48PM 24 A In the beginning for training for one week and a half, I  
12:48PM 25 trained. I made my first sale after two weeks.

12:48PM 1 Q Okay.

12:48PM 2 A And I did pretty big jobs.

12:48PM 3 Q Okay.

12:48PM 4 A Apartment, condos.

12:48PM 5 Q Right.

12:48PM 6 A Tough fumigations.

12:48PM 7 Q Okay. Yeah, you were learning it.

12:48PM 8 A Yes.

12:48PM 9 Q You were figuring it out. But the Maunakea job was

12:49PM 10 completely different than a house or a few condos, you would

12:49PM 11 agree with me, wouldn't you?

12:49PM 12 A Yes. That's why we had Jake Matthews trying to assist me

12:49PM 13 on the job.

12:49PM 14 Q Well, in terms of the actual job, what it was you had zero

12:49PM 15 experience in prepping it anything of that size, correct?

12:49PM 16 A Correct.

12:49PM 17 Q You had zero experience in terms of how you would even

12:49PM 18 begin to tent it, to fumigate it and to do that job?

12:49PM 19 A Correct.

12:49PM 20 Q But you wanted to be paid like you did, right?

12:49PM 21 A I made the sale, yes.

12:49PM 22 Q Okay. And it was your view that you made the sale?

12:49PM 23 A I worked with that guy Jason. That was at beach Maunakea

12:49PM 24 the hotel for a while. Mike told me that I was kicking the can

12:49PM 25 on the street and I wasn't going to have that sale. They were



12:49PM 1 just pulling my chain, exact words.

12:50PM 2 Q Okay. And you believed you were out 200, \$200,000, right?

12:50PM 3 A Roughly ten at 15 percent.

12:50PM 4 Q Right. And the only time you were looking at any kind of  
12:50PM 5 money like that is when you were robbing people, right?

12:50PM 6 A Not necessarily, no.

12:50PM 7 Q Yeah. And so that's how you had been making your money up  
12:50PM 8 to that point, right?

12:50PM 9 A Making my money how?

12:50PM 10 Q Robbing people, selling drugs, and doing those things  
12:50PM 11 along with working, right?

12:50PM 12 A No. That wasn't my main income.

12:50PM 13 Q And that's why the minute you saw a guy who you thought  
12:50PM 14 you had a hundred thousand dollars in the car, you took a video  
12:50PM 15 of it, took it to a bunch of people and set up a robbery,  
12:50PM 16 right?

12:50PM 17 A Yes.

12:50PM 18 Q Now, we talked a little bit about Signal. Do you recall  
12:51PM 19 that conversation? Signal was a business communication used  
12:51PM 20 within the business, correct?

12:51PM 21 A I'm not too sure. I can't recollect if it was or not.

12:51PM 22 Q All right. You don't recall that you were sending videos  
12:51PM 23 by way of like when you were looking at a house and trying to  
12:51PM 24 figure out how you would even begin to make a bid, you don't  
12:51PM 25 recall doing videos and then sending them to Mike and asking

12:51PM 1 for help?

12:51PM 2 A Yes.

12:51PM 3 Q Okay. You do recall that?

12:51PM 4 A I do, yes.

12:51PM 5 Q Okay. So Signal was used in the business, right?

12:51PM 6 A No. To communicate with Mike.

12:51PM 7 Q Right. In the business, you had Signal channels within  
12:52PM 8 the business, correct?

12:52PM 9 A Yes.

12:52PM 10 Q Right. And so the reason for that is that that allows  
12:52PM 11 communication where you can attach videos and the person that  
12:52PM 12 you're talking to can see what you see, right?

12:52PM 13 A Yes.

12:52PM 14 Q All right. And so that was used throughout, so there was  
12:52PM 15 a Signal manager's thread, right?

12:52PM 16 A I don't recollect a Signal manager thread.

12:52PM 17 Q You don't recall that?

12:52PM 18 A No.

12:52PM 19 Q So if others more experience, there may have been one,  
12:52PM 20 right? You just don't recall it?

12:52PM 21 A Yeah, I don't remember.

12:52PM 22 Q Okay. Did you know that there was a Signal sales  
12:52PM 23 thread -- thread since you were in Signal?

12:52PM 24 A For all of us at the company of Kama'aina?

12:52PM 25 Q Yes.

12:52PM 1 A Yes.

12:52PM 2 Q Okay. There was a fumigation Signal thread, right?

12:52PM 3 A Yes.

12:52PM 4 Q There was a company-wide thread using Signal, right?

12:52PM 5 A Yes.

12:52PM 6 Q There was an office Signal thread for the folks who were

12:53PM 7 within the office, right?

12:53PM 8 A Yes.

12:53PM 9 Q So that's why you could keep teamwork within the business,

12:53PM 10 right?

12:53PM 11 A Yes.

12:53PM 12 Q Okay. Slack was used for that as well, right?

12:53PM 13 A Yes.

12:53PM 14 Q We're moving into an area where paper is replaced by this

12:53PM 15 kind of communication device, right?

12:53PM 16 A Correct.

12:53PM 17 Q So you're digitally using Slack channels to show photos,

12:53PM 18 correct?

12:53PM 19 A Yes.

12:53PM 20 Q And in the fumigation process, what Slack or Signal could

12:53PM 21 do is if you had a ten checklist of things that had to be done,

12:53PM 22 you could visually show that check, did one check, did two

12:53PM 23 check, did three, so there was a visual record of what was done

12:53PM 24 in the business, right?

12:53PM 25 A Yes.

12:53PM 1 Q And so you didn't have to rely on somebody's word or if  
12:53PM 2 somebody comes back and says something's broken, you had a  
12:53PM 3 visual image of when you started and when you left and you  
12:53PM 4 recorded it so that the person could see exactly what was done,  
12:54PM 5 right?  
12:54PM 6 A Yes.  
12:54PM 7 Q Just like when there's a video, these folks can see the  
12:54PM 8 video and see it like they were there for themselves, right?  
12:54PM 9 A Yes.  
12:54PM 10 Q And that was the whole point of it, correct?  
12:54PM 11 A Correct.  
12:54PM 12 Q And this was pretty advanced for companies at that time,  
12:54PM 13 wasn't it?  
12:54PM 14 A Yes.  
12:54PM 15 Q Now, you also had WhatsApp channel within the business,  
12:54PM 16 right?  
12:54PM 17 A Within what business?  
12:54PM 18 Q Within Kama'aina Termite and Pest Control?  
12:54PM 19 A Yes.  
12:54PM 20 Q Yes. And so we saw a number of WhatsApps on those  
12:54PM 21 contents, correct?  
12:54PM 22 A Yes.  
12:54PM 23 Q And so that was a communication device used within the  
12:54PM 24 business, right?  
12:54PM 25 A Yes.

12:54PM 1 Q And so then you could use that device to communicate as

12:54PM 2 well, correct?

12:54PM 3 A Yes.

12:54PM 4 Q And there were WhatsApp channels that were part of that

12:54PM 5 process as well, right?

12:54PM 6 A Correct.

12:54PM 7 Q So WhatsApp is just another app that you can use to

12:54PM 8 communicate within the business, right?

12:55PM 9 A Yes.

12:55PM 10 Q And if you have a business, your communication is kind of

12:55PM 11 important that it's not stolen, right?

12:55PM 12 A What you mean "not stolen"?

12:55PM 13 Q Well, if somebody gets your business plan, they can figure

12:55PM 14 out how to bid on something if they didn't have that

12:55PM 15 information, right?

12:55PM 16 A I don't know.

12:55PM 17 Q So you've got internal communications that you want to

12:55PM 18 keep separate from the rest of the world, right? Competitors?

12:55PM 19 Excuse me. You've got competitors out there that you're

12:55PM 20 competing against, right?

12:55PM 21 A Yes.

12:55PM 22 Q So all WhatsApp is is it has an encryption, right?

12:55PM 23 A Yes.

12:55PM 24 Q Okay. And that was used within the business as well?

12:55PM 25 A By certain people, yes.

12:55PM 1 Q Yeah, and so we saw a number of people that you identified  
12:55PM 2 in the business WhatsApp and that was their business phone,  
12:56PM 3 right?  
12:56PM 4 A One of theirs.  
12:56PM 5 Q Okay. All right. Now, was that an old number for Eric  
12:56PM 6 Lum or a new number?  
12:56PM 7 A I'm not too sure if it's old or new.  
12:56PM 8 Q Okay. After you robbed him, did you remain a contact and  
12:56PM 9 a friend?  
12:56PM 10 A No.  
12:56PM 11 Q Okay. That kind of severed your relationship, right?  
12:56PM 12 A Yes.  
12:56PM 13 Q So that \$10,000 was worth severing a relationship with a  
12:56PM 14 friend?  
12:56PM 15 A It wasn't really a friend. It was an associate.  
12:56PM 16 Q Oh, he was an associate so it was okay?  
12:56PM 17 A No. It wasn't okay.  
12:56PM 18 Q Okay. Now, we took a look at a number of photographs of  
12:56PM 19 ads from Hawai'i Partners. Do you recall those?  
12:56PM 20 A Ads from Hawai'i Partners.  
12:56PM 21 Q They were identified as ads from Hawai'i Partners that the  
12:56PM 22 jury just saw. Do you recall?  
12:56PM 23 A Some of them, yes.  
12:56PM 24 Q All right. Did you recognize those were vehicles that you  
12:57PM 25 wanted to buy?

12:57PM 1 A No. It wasn't vehicles to buy.

12:57PM 2 Q So it's your testimony that you weren't buying those

12:57PM 3 vehicles?

12:57PM 4 A Those vehicles, I wasn't buying those vehicles.

12:57PM 5 Q Those were ads of vehicles that were for sale, were they

12:57PM 6 not?

12:57PM 7 A Yes.

12:57PM 8 Q And they were for sale and there was intent to perhaps

12:57PM 9 purchase them, not sell them by Hawai'i Partners, correct?

12:57PM 10 A Hawai'i Partners didn't buy any cars prior from private

12:57PM 11 sellers.

12:57PM 12 Q Are you sure?

12:57PM 13 A That I know of.

12:57PM 14 Q Okay. That you know of, right?

12:57PM 15 A Yes.

12:57PM 16 Q So you just assumed because you think that you didn't know

12:57PM 17 that that that's what those ads were, right?

12:57PM 18 A I don't know what those ads was.

12:57PM 19 Q Okay. You didn't know what the ads were?

12:57PM 20 A Some of them, yes.

12:57PM 21 Q Okay. All right. Now, I want talk to you a little bit

12:58PM 22 about what you did at Hawai'i Partners in terms of documenting

12:58PM 23 what was done. So we saw the white board that the jury saw,

12:58PM 24 correct?

12:58PM 25 A The cleared board in Mike's office, yes.

12:58PM 1 Q Right. And there was another board in there that you said  
12:58PM 2 was similar material was written on, correct?  
12:58PM 3 A Yes.  
12:58PM 4 Q Okay. So you would log those cars on those white boards,  
12:58PM 5 correct?  
12:58PM 6 A Yes.  
12:58PM 7 Q Then the information from the boards would get on a  
12:58PM 8 spreadsheet, correct?  
12:58PM 9 A Maybe after six, seven months, we put it on the seven --  
12:58PM 10 on the spreadsheet. We had a lot of vehicles, so it couldn't  
12:58PM 11 fit on top of that white board.  
12:58PM 12 Q And then all of a sudden, the info on the spreadsheet  
12:58PM 13 included make and model of the vehicle, right?  
12:58PM 14 A Yes.  
12:58PM 15 Q The price purchased, right?  
12:58PM 16 A Yes.  
12:58PM 17 Q The price sold, right?  
12:58PM 18 A Yes.  
12:58PM 19 Q The license plate, right?  
12:59PM 20 A Yes.  
12:59PM 21 Q The VIN number, right?  
12:59PM 22 A Yes.  
12:59PM 23 Q And the sales were either cash or cashier's checks mostly.  
12:59PM 24 Those were your words, right?  
12:59PM 25 A Mostly cash.



12:59PM 1 Q And cashier's checks as well?

12:59PM 2 A I never seen a cashier's check maybe -- yeah, I never seen

12:59PM 3 a cashier check. The only cashier check I got was from the

12:59PM 4 Lunchwagon.

12:59PM 5 Q So when you told the FBI that the sales were cash or

12:59PM 6 cashier's checks mostly, that wasn't accurate?

12:59PM 7 A It was accurate.

12:59PM 8 Q Okay. The spreadsheets kept track of the information for

12:59PM 9 tax purposes, right?

12:59PM 10 A Yes.

12:59PM 11 Q Which was then given to an accountant, right?

12:59PM 12 A Yes.

12:59PM 13 Q And what you said is, "Mike Miske just loved cars," right?

12:59PM 14 A Yes.

12:59PM 15 Q And it was as much a hobby for him as a business?

12:59PM 16 A Yes, it was like a hobby.

01:00PM 17 Q And so it was because of his love of cars that he was

01:00PM 18 involved with this, this wasn't a big money maker, was it?

01:00PM 19 A No, it wasn't.

01:00PM 20 Q In fact, on a lot of these cars, you lost money?

01:00PM 21 A Yes.

01:00PM 22 Q But as you said, "It was more a of hobby than a business"?

01:00PM 23 A Yes.

01:00PM 24 Q Okay. Now, in August of 2019, you became a sales

01:00PM 25 representative as we've talked about, right?

01:00PM 1 A Yes.

01:00PM 2 Q And that was for Kama'aina Termite and Pest Control,

01:00PM 3 correct?

01:00PM 4 A Yes.

01:00PM 5 Q You were encouraged by Mike Miske to do that, right?

01:00PM 6 A Yes.

01:00PM 7 Q He encouraged you to be customer oriented, correct?

01:00PM 8 A Yes. Yes.

01:00PM 9 Q You learned how to do customer property walks, right?

01:01PM 10 A Yes.

01:01PM 11 Q Mike Miske gave you sound advice on that?

01:01PM 12 A Yes.

01:01PM 13 Q When bidding a job, right?

01:01PM 14 A Yes.

01:01PM 15 Q And if we can -- you learned how to do walk-throughs with

01:01PM 16 a customer bid, right?

01:01PM 17 A Yes.

01:01PM 18 Q And you worked with him on how to bid?

01:01PM 19 A Yes.

01:01PM 20 MR. KENNEDY: All right. If we can pull up

01:01PM 21 Exhibit 9008-012 just for the witness at this time, Your Honor,

01:01PM 22 and this would be on the 9th supplemental exhibit list, Your

01:01PM 23 Honor. I apologize.

01:01PM 24 THE COURT: Okay.

01:02PM 25 BY MR. KENNEDY:

01:02PM 1 Q Do you recognize what's shown in the video which has been  
01:02PM 2 marked as 9008-012?  
01:02PM 3 A Yes.  
01:02PM 4 Q Is it something that you videoed?  
01:02PM 5 A Yes.  
01:02PM 6 Q And was this working as a sales representative for  
01:02PM 7 Kama'aina Termite and Pest Control?  
01:02PM 8 A Yes.  
01:02PM 9 MR. KENNEDY: All right. At this time, Your Honor,  
01:02PM 10 I'd offer 9008-012 into evidence.  
01:02PM 11 THE COURT: This is a video?  
01:02PM 12 MR. KENNEDY: Yes.  
01:02PM 13 THE COURT: All right. Any objection?  
01:02PM 14 MR. INCIONG: No objection.  
01:02PM 15 THE COURT: Okay. Without objection 9008-12 is  
01:02PM 16 admitted. You may play it.  
01:02PM 17 (Exhibit 9008-012 was received in evidence.)  
01:02PM 18 MR. KENNEDY: And can we publish it?  
01:02PM 19 THE COURT: Yes, you may play it.  
01:02PM 20 (Video was played.)  
01:02PM 21 THE WITNESS: Should be sound.  
01:02PM 22 MR. KENNEDY: I believe there is sound. If we could  
01:02PM 23 go back.  
01:02PM 24 BY MR. KENNEDY:  
01:03PM 25 Q Now, sir, while we're doing that, part of it is there is

01:03PM 1 you're shooting the video but you're also communicating

01:03PM 2 sometimes at the same time about what you're seeing?

01:03PM 3 A Yes.

01:03PM 4 MR. KENNEDY: Okay. Let's start it again. Looks like

01:03PM 5 we lost it.

01:04PM 6 THE COURT: Doesn't look like it's playing properly,

01:04PM 7 Mr. Kennedy.

01:04PM 8 MR. KENNEDY: Technology is always great when works

01:04PM 9 and a pain when it doesn't.

01:04PM 10 THE COURT: We'll try to get our IT folks here, if you

01:04PM 11 wouldn't mind going on to another subject.

01:04PM 12 MR. KENNEDY: Oh, no problem.

01:04PM 13 BY MR. KENNEDY:

01:04PM 14 Q So also with respect to that, you know, this is part of

01:04PM 15 learning how to inspect the job, right?

01:04PM 16 A Yes.

01:04PM 17 Q And so during that, you learned to do estimates, send

01:04PM 18 photos and videos to Mike Miske to coordinate the bid, right?

01:04PM 19 A Yes.

01:04PM 20 Q All right. Why don't we try 9008-015 which is in the

01:04PM 21 ninth supplemental exhibit list. And is this, sir, an example

01:04PM 22 of a communication involving what I'm describing here as a

01:05PM 23 estimate on a job while you were working for Kama'aina Termite

01:05PM 24 and Pest Control?

01:05PM 25 A Yes.

01:05PM 1 MR. KENNEDY: All right. At this time, Your Honor, I  
01:05PM 2 would move 9008-015 into evidence.

01:05PM 3 THE COURT: This is a multiple-paged exhibit.

01:05PM 4 MR. KENNEDY: Let's see.

01:05PM 5 THE COURT: Looks like it. Any objection?

01:05PM 6 MR. KENNEDY: I think it is just -- yes, it is. Okay.

01:05PM 7 It is five pages in total or six.

01:05PM 8 THE COURT: Yes.

01:05PM 9 MR. KENNEDY: It looks like -- is it -- all right,

01:05PM 10 six.

01:05PM 11 THE COURT: Any objection, Counsel?

01:05PM 12 MR. INCIONG: No objection.

01:05PM 13 THE COURT: Without objection 9008-015 is admitted.

01:05PM 14 (Exhibit 9008-015 was received in evidence.)

01:06PM 15 MR. KENNEDY: All right. If we can just blow up the

01:06PM 16 first one that is in blue.

01:06PM 17 BY MR. KENNEDY:

01:06PM 18 Q Okay. Missed voice call. Do you recognize MJ owner?

01:06PM 19 A Yes.

01:06PM 20 Q Who is that?

01:06PM 21 A Mike Miske.

01:06PM 22 Q Okay. And if we go up a little further. Do you recognize

01:06PM 23 (808) 585-1944?

01:06PM 24 A Yes.

01:06PM 25 Q How do you recognize that?

01:06PM 1 A That's my phone number at the time.

01:06PM 2 MR. KENNEDY: Okay. Let's move on to the second page.

01:06PM 3 If we can blow up in the green. Is that coming in -- okay.

01:06PM 4 All right. Move down.

01:06PM 5 MS. KING: Is it published?

01:06PM 6 MR. KENNEDY: I will publish it in a second.

01:06PM 7 BY MR. KENNEDY:

01:06PM 8 Q Did you call me; is that correct?

01:07PM 9 A Yes.

01:07PM 10 Q All right. So let's publish this on the first page, sir.

01:07PM 11 Make certain that the jury can now see it and let's move up to

01:07PM 12 the -- the blue there. So this is just a missed voice call to

01:07PM 13 you?

01:07PM 14 A Yes.

01:07PM 15 MR. KENNEDY: Okay. If we move to the second page.

01:07PM 16 And if we blow up the green.

01:07PM 17 BY MR. KENNEDY:

01:07PM 18 Q And then, Yo?

01:07PM 19 A Yes.

01:07PM 20 Q Did you call me, correct?

01:07PM 21 A Yes.

01:07PM 22 Q So you've called Mike and he is responding to you, right?

01:07PM 23 A Yes.

01:07PM 24 Q Okay. If we move down to the blue. Okay. Can you read

01:07PM 25 what you were asking at this time, sir?

01:07PM 1 A "Yes. Doing an estimate for Kamalani in Kailua. I wanted  
01:07PM 2 to ask you how we can reach the top of the roof gutter for bird  
01:08PM 3 exclusions, but Larry has a job out here and going to meet me."  
01:08PM 4 Q All right. If we can go on to see if -- what the answer  
01:08PM 5 is? Then you've got a few more, okay, right, and then do you  
01:08PM 6 attach something to this communication?  
01:08PM 7 A Yes.  
01:08PM 8 Q And do you see that this is Signal, right?  
01:08PM 9 A I'm sorry?  
01:08PM 10 Q The communication device you're using is Signal, right?  
01:08PM 11 A Yes.  
01:08PM 12 Q So this is an example of what we were talking about where  
01:08PM 13 Signal was used within the business, correct?  
01:08PM 14 A Yes.  
01:08PM 15 Q And Signal allowed you to attach something so that they --  
01:08PM 16 a person can see what you're seeing, right?  
01:08PM 17 A Yes.  
01:08PM 18 Q Okay. We can move on. All right. Okay. We keep going  
01:08PM 19 through to the next response. Okay. These are some other.  
01:08PM 20 And then the answer is, WYA, where you at?  
01:09PM 21 A Yes.  
01:09PM 22 Q All right. We go down to the bottom. We keep going.  
01:09PM 23 Continue. Outgoing voicemail at that time, right?  
01:09PM 24 A Yes.  
01:09PM 25 Q Okay. And then through page six. And then this is --

01:09PM 1 this is a photograph that is attached, right?

01:09PM 2 A Correct.

01:09PM 3 Q And so we saw the attachment in there so that when you're  
01:09PM 4 asking about how you can reach the roof, the individual can see  
01:09PM 5 what you're seeing, right?

01:09PM 6 A Yes.

01:09PM 7 Q Okay. If we move to -- did you also take videos of these  
01:09PM 8 events?

01:09PM 9 A Yes.

01:09PM 10 Q All right. Now, if we go back to the first page.

01:09PM 11 MR. KENNEDY: If we can pull up 9008-016.

01:09PM 12 BY MR. KENNEDY:

01:09PM 13 Q Do you recognize this as a video of that job site, sir,  
01:10PM 14 there was Exhibit 908-015?

01:10PM 15 A Yes.

01:10PM 16 MR. KENNEDY: Okay. At this time, Your Honor, I would  
01:10PM 17 move 9008-016 and seek to admit that.

01:10PM 18 THE COURT: Any objection?

01:10PM 19 MR. INCIONG: No objection.

01:10PM 20 THE COURT: Without objection, 9008-16 is admitted.

01:10PM 21 (Exhibit 9008-016 was received in evidence.)

01:10PM 22 MR. KENNEDY: All right. Well, let's see if we can  
01:10PM 23 get this to play.

01:10PM 24 THE COURT: Give it a shot.

01:10PM 25 (Video was played.)



01:12PM 1 MR. KENNEDY: All right. If we can take a look at  
01:12PM 2 9008-017. Just for Mr. Freitas.  
01:12PM 3 (Video was played.)  
01:13PM 4 BY MR. KENNEDY:  
01:13PM 5 Q All right. So we've seen those two videos. Those are  
01:13PM 6 part of the Signal thread when you're trying to figure out how  
01:13PM 7 you're going to estimate and figure out that job, correct?  
01:13PM 8 A Yes.  
01:13PM 9 Q And these were in January of 2020, right?  
01:13PM 10 A I believe so.  
01:13PM 11 Q And so you're reaching out to Mike for his advice, right?  
01:13PM 12 A Yes.  
01:13PM 13 Q Okay. Now, one of -- some of that advice in the context  
01:13PM 14 of how you're doing your business is he wanted you to step up  
01:13PM 15 your game, right?  
01:13PM 16 A Yes.  
01:13PM 17 Q He wanted you to show up early, right?  
01:13PM 18 A Yes.  
01:13PM 19 Q Look sharp, right?  
01:13PM 20 A Correct.  
01:13PM 21 Q Because these were some of the problems in the past when  
01:13PM 22 he would hire you and then fire you for times where that wasn't  
01:14PM 23 going on, right?  
01:14PM 24 A Yes.  
01:14PM 25 Q But he believed you had it in it -- but he believed you

01:14PM 1 had it in yourself?

01:14PM 2 A Correct.

01:14PM 3 Q Because a lot of times where you got into trouble was you  
01:14PM 4 learned that staying out too late and partying might get you  
01:14PM 5 fired, right?

01:14PM 6 A Yes.

01:14PM 7 Q Because if you're a no show and you can't carry your  
01:14PM 8 weight then everybody else suffers, right?

01:14PM 9 A Yes.

01:14PM 10 Q Okay. So when you were Mike's personal assistant back in  
01:14PM 11 2015, you told the jury the other day that that started roughly  
01:14PM 12 around 2015, correct?

01:14PM 13 A Yes.

01:14PM 14 Q When you came back from Las Vegas. Do you recall that  
01:14PM 15 Mike was interested in buying a boat back at that time not the  
01:14PM 16 Rachel, right? Do you recall that?

01:15PM 17 A What kind of boat was he purchasing?

01:15PM 18 Q A personal boat, something that was different. The Rachel  
01:15PM 19 is a commercial fishing vessel, right?

01:15PM 20 A Right.

01:15PM 21 Q It sails in the Samoan waters. It's got a permit there.  
01:15PM 22 It sails in the Hawaiian waters. It does commercial fishing,  
01:15PM 23 right?

01:15PM 24 A Yes.

01:15PM 25 Q Okay. Do you recall that prior to Caleb's -- the accident

01:15PM 1 that Caleb Miske was in Mike was asking you to look for boats

01:15PM 2 to buy?

01:15PM 3 A Yes.

01:15PM 4 Q Okay. And so you found boats that Mike Miske was

01:15PM 5 considering buying, right?

01:15PM 6 A Yes.

01:15PM 7 Q And so you would reach out to folks to see if he could

01:15PM 8 test drive those boats, right?

01:15PM 9 A Yes.

01:15PM 10 MR. KENNEDY: All right. And if we can pull up

01:15PM 11 9008-008 which, Your Honor, is in the seventh supp exhibit

01:15PM 12 list.

01:16PM 13 THE COURT: What was the number again? I'm sorry.

01:16PM 14 MR. KENNEDY: 9008-008 in the seventh supplemental

01:16PM 15 exhibit list I believe, Your Honor. I can check it back here

01:16PM 16 in another -- at least that's what my note has.

01:16PM 17 THE COURT: Okay. Go ahead.

01:16PM 18 BY MR. KENNEDY:

01:16PM 19 Q Sir, can you -- would you like us to blow that up so you

01:16PM 20 can read it a little better because it's somewhat small?

01:16PM 21 A Yes.

01:16PM 22 MR. KENNEDY: So if we could blow up the top part.

01:16PM 23 Thank you, Ms. King. And then if we move through it so it can

01:16PM 24 be read.

01:16PM 25 BY MR. KENNEDY:

01:17PM 1 Q Does that help you refresh when Mike was interested in  
01:17PM 2 purchasing a boat and you making efforts to do so?  
01:17PM 3 A Yes.  
01:17PM 4 MR. KENNEDY: Okay. If we could go back just to the  
01:17PM 5 first page without it blown up. And this would be -- is it  
01:17PM 6 October 15th of 2015?  
01:17PM 7 Your Honor, at this time I move 9008-008 into  
01:17PM 8 evidence.  
01:17PM 9 THE COURT: Any objection?  
01:17PM 10 MR. INCIONG: No objection.  
01:17PM 11 MR. KENNEDY: All right. Can we publish that, please?  
01:17PM 12 THE COURT: You may. This exhibit is admitted.  
01:17PM 13 That's 9008-8 and, yes, you may publish.  
01:17PM 14 (Exhibit 9008-008 was received in evidence.)  
01:17PM 15 MR. KENNEDY: Can we blow up the -- the -- just the  
01:17PM 16 participants down to the blue please, Ms. King.  
01:17PM 17 BY MR. KENNEDY:  
01:17PM 18 Q So is this you reaching out, supp Bro, interested in the  
01:17PM 19 boat, right?  
01:17PM 20 A It was me personally?  
01:17PM 21 Q No. Are you asking Mike Miske if he's interested in the  
01:18PM 22 boat?  
01:18PM 23 A Yes.  
01:18PM 24 Q Okay. If we move down. And so is it, yeah, where is it  
01:18PM 25 located? When can I see it?

01:18PM 1 A Yes.

01:18PM 2 Q And that's Mr. Miske responding to you about this boat,  
01:18PM 3 right?

01:18PM 4 A Yes.

01:18PM 5 MR. KENNEDY: Okay. If we go to the second page. We  
01:18PM 6 can blow up just the top portion. Okay. If we can move down.

01:18PM 7 BY MR. KENNEDY:

01:18PM 8 Q Okay. You're saying if you're serious you can meet up at  
01:18PM 9 Kaneohe pier and you can test them out, right?

01:18PM 10 A Yes.

01:18PM 11 Q The weekend though because I work during the week, right?

01:18PM 12 A Yes.

01:18PM 13 Q All right. If we keep going. Boat is bad, right?

01:18PM 14 A Yes.

01:18PM 15 Q Bad ass, right?

01:18PM 16 A Yes.

01:18PM 17 Q And so as we move through and see. Okay. Asking about  
01:19PM 18 price.

01:19PM 19 A Um-hm.

01:19PM 20 Q Sounds good, right?

01:19PM 21 A Yes.

01:19PM 22 Q Let me know tomorrow. What's your name, right?

01:19PM 23 A Yes.

01:19PM 24 Q Okay. So this is you're looking for a boat for Mr. Miske,  
01:19PM 25 right?

01:19PM 1 A Yes.

01:19PM 2 Q Okay. And so this was in -- on October 15th of 2015, and  
01:19PM 3 the accident didn't even happen until the next month on  
01:19PM 4 November 17th of 2015, correct?

01:19PM 5 A Yes.

01:19PM 6 MR. KENNEDY: All right. Now, we can take that down.

01:19PM 7 BY MR. KENNEDY:

01:19PM 8 Q We talked about Slack. We talked about the business  
01:19PM 9 advice. We talked about, you know, what you were doing during  
01:19PM 10 that time, but when you were talking to the government, you  
01:19PM 11 were talking about some individuals like Chad Duncan. Do you  
01:20PM 12 recall that?

01:20PM 13 A Yes.

01:20PM 14 Q So with Chad Duncan, the conversations that you would have  
01:20PM 15 were about whether there was somebody that he and you could  
01:20PM 16 tax, right?

01:20PM 17 A Yes.

01:20PM 18 Q And tax means steal?

01:20PM 19 A Correct.

01:20PM 20 Q Take money from, right?

01:20PM 21 A Yes.

01:20PM 22 Q And whether there were targets, right?

01:20PM 23 A Yes.

01:20PM 24 Q Whether there's a big project somebody who's got a lot of  
01:20PM 25 money, right?

01:20PM 1 A Yes.

01:20PM 2 Q They called this kid Tommy. He's somebody you're looking  
01:20PM 3 at, right?

01:20PM 4 A Tommy...

01:20PM 5 Q Just somebody that might owe money and then you could tax  
01:20PM 6 him, right?

01:20PM 7 A Yes.

01:20PM 8 Q And so the kind of communications there is I got one big  
01:20PM 9 job and I need a soldier like you, right?

01:20PM 10 A Yes.

01:20PM 11 Q So that was kind of the dual life which you were doing  
01:20PM 12 robbing, right?

01:21PM 13 A Yes.

01:21PM 14 Q And you were doing that for yourself, right?

01:21PM 15 A Yes.

01:21PM 16 Q But you were also working back sometimes getting fired but  
01:21PM 17 working with Mike, right?

01:21PM 18 A Correct.

01:21PM 19 Q So with Mike you were doing jobs both for all of his  
01:21PM 20 businesses, right?

01:21PM 21 A Yes.

01:21PM 22 Q When you were a personal assistant, right?

01:21PM 23 A Correct.

01:21PM 24 Q But also working with the termite company and getting a  
01:21PM 25 start with sales, right?

01:21PM 1 A Yes.

01:21PM 2 Q And you got a knack for sales. You were good at it?

01:21PM 3 A Yes.

01:21PM 4 Q You had worked at Victoria's Secret, right?

01:21PM 5 A Yes.

01:21PM 6 Q And you had some sales experience, right?

01:21PM 7 A No, I never really had experience, sales experience until

01:21PM 8 I came work for Mike.

01:21PM 9 Q Okay. So you were just starting out in sales there --

01:21PM 10 A Yes.

01:21PM 11 Q -- but it was something naturally you can present to

01:21PM 12 people and you're comfortable talking to people?

01:21PM 13 A Yes.

01:21PM 14 Q And so he saw that in you?

01:21PM 15 A Yes.

01:21PM 16 Q But these communications with Chad Duncan are about

01:21PM 17 robbing people and stealing stuff, right?

01:21PM 18 A Yes.

01:21PM 19 Q Jake Smith is another one that's out robbing people,

01:22PM 20 right?

01:22PM 21 A Correct.

01:22PM 22 Q And Jake Smith is robbing folks, right?

01:22PM 23 A Yes.

01:22PM 24 Q Of drugs, right?

01:22PM 25 A Yes.



01:22PM 1 Q Large quantities, right?

01:22PM 2 A Yes.

01:22PM 3 Q And he is keeping the money for himself, isn't he?

01:22PM 4 A Yes.

01:22PM 5 Q He's doing that on his own, right?

01:22PM 6 A Yes.

01:22PM 7 Q It's him. He's doing it for himself alone, right?

01:22PM 8 A Yes.

01:22PM 9 Q Lance Bermudez same thing, right?

01:22PM 10 A Yes.

01:22PM 11 Q All the other folks so everybody that we had up on this

01:22PM 12 board over here John Stancil, Lance Bermudez, Keli'i Young,

01:22PM 13 Frankie Silva, all of those folks were robbing people of drugs

01:22PM 14 for themselves, right?

01:22PM 15 A Right.

01:22PM 16 MR. INCIONG: Objection, calls for speculation.

01:22PM 17 THE COURT: Sustained.

01:22PM 18 BY MR. KENNEDY:

01:22PM 19 Q That's what you knew, right?

01:22PM 20 A Yes.

01:22PM 21 Q And that's a yes is it not?

01:22PM 22 A Yes.

01:22PM 23 Q And you knew that from your own knowledge, didn't you?

01:22PM 24 A Yes.

01:22PM 25 Q Because you had been with them doing it yourself, right?

01:23PM 1 A Yes.

01:23PM 2 Q Now, I want to ask you looks like we got a few minutes  
01:23PM 3 left so I'll cover a chapter with you that was covered by the  
01:23PM 4 government over the last couple of days. They asked you about  
01:23PM 5 Jonathan Fraser and a watch. Do you recall that?

01:23PM 6 A Yes.

01:23PM 7 Q Now, at that time, you understood that Jonathan Fraser and  
01:23PM 8 his girlfriend were -- they -- they were between places to  
01:23PM 9 live, right?

01:23PM 10 A Correct.

01:23PM 11 Q And Caleb Miske and Delia Fabro-Miske were living with  
01:23PM 12 them, right?

01:23PM 13 A Yes.

01:23PM 14 Q And they were sleeping in Mike's office at night after the  
01:23PM 15 end of the workday, right?

01:23PM 16 A Yes.

01:24PM 17 Q So the four of them were there?

01:24PM 18 A Yes.

01:24PM 19 Q So he turned over his office not only to his son and his  
01:24PM 20 girlfriend at the time who he then married or -- and Jonathan  
01:24PM 21 and his girlfriend, right?

01:24PM 22 A Yes.

01:24PM 23 Q So he gave up his office at night for them to be there,  
01:24PM 24 correct?

01:24PM 25 A Correct.

01:24PM 1 Q Now, Caleb had graduated a few years before in 2012?

01:24PM 2 A I believe so.

01:24PM 3 Q And you may have been gone in Las Vegas then, right?

01:24PM 4 A No. I was down here in Hawaii.

01:24PM 5 Q I'm sorry?

01:24PM 6 A I was here in Hawaii.

01:24PM 7 Q Okay. And so were you at his graduation?

01:24PM 8 A No, I wasn't at Caleb's graduation.

01:24PM 9 Q Okay. Did you understand that the watch that Jonathan

01:24PM 10 Fraser stole was a gift from Mike Miske to -- to his son Caleb

01:24PM 11 Miske?

01:24PM 12 A I know it was very sentimental to Mike.

01:24PM 13 Q And so what happened was one morning Caleb and Delia get

01:25PM 14 up and Jonathan and his girlfriend are gone, right?

01:25PM 15 A Yes.

01:25PM 16 Q And the watch is gone, right?

01:25PM 17 A Yes.

01:25PM 18 Q And it's been stolen, right?

01:25PM 19 A Correct.

01:25PM 20 Q And so you were asked by Mike Miske to go to the pawn

01:25PM 21 shops to see if it was being pawned, right?

01:25PM 22 A Yes.

01:25PM 23 Q And you said you went to a lot of them, right?

01:25PM 24 A Yes.

01:25PM 25 Q And you found out that Honolulu has maybe as many pawn

01:25PM 1 shops as Las Vegas which has a whole lot of them as we both  
01:25PM 2 know?  
01:25PM 3 A Yes.  
01:25PM 4 Q So you weren't successful in that, correct?  
01:25PM 5 A Yes.  
01:25PM 6 Q But you then were asked to see if you could find Jonathan  
01:25PM 7 Fraser, right?  
01:25PM 8 A Yes.  
01:25PM 9 Q And if he still had the watch get the watch back, right?  
01:25PM 10 A Yes.  
01:25PM 11 Q And so you indicated that you went to the Kaneohe district  
01:26PM 12 park, if I recall?  
01:26PM 13 A Yes.  
01:26PM 14 Q And that you tried to grab the keys before they could  
01:26PM 15 drive away, right?  
01:26PM 16 A Yes.  
01:26PM 17 Q You were unsuccessful, right?  
01:26PM 18 A Yes.  
01:26PM 19 Q You saw Jonathan Fraser's girlfriend. Did you know who  
01:26PM 20 she was?  
01:26PM 21 A Yes.  
01:26PM 22 Q Did you know her by name?  
01:26PM 23 A Yes.  
01:26PM 24 Q Ashley Wong?  
01:26PM 25 A Yes.

01:26PM 1 Q And so she was driving, right?

01:26PM 2 A Yes.

01:26PM 3 Q But you could see Jonathan in the car, right?

01:26PM 4 A Correct.

01:26PM 5 Q I think it was dark so you could only see a portion of

01:26PM 6 him, right?

01:26PM 7 A Yes.

01:26PM 8 Q So you tried to follow him, right?

01:26PM 9 A Yes.

01:26PM 10 Q And you gave up chase?

01:26PM 11 A Yes.

01:26PM 12 Q And that's the only thing that came about with that

01:26PM 13 incident, right?

01:26PM 14 A Correct.

01:26PM 15 Q All right. And now before we go, I think that what I'd

01:27PM 16 like to do is just play for you the 911 call on Saturday

01:27PM 17 March 4th, okay? It's already in evidence and this 911 call

01:27PM 18 relates to the District, okay?

01:27PM 19 A Okay.

01:27PM 20 MR. KENNEDY: So at this time, could we play 6-65?

01:27PM 21 (Video was played.)

01:27PM 22 THE COURT: All right. We just have a few more

01:27PM 23 minutes, Mr. Kennedy.

01:27PM 24 MR. KENNEDY: And that's why I figured we'd just get

01:27PM 25 this in, Your Honor, and then stop for the day.

01:27PM 1 THE COURT: That's fine. Sure.

01:27PM 2 MR. KENNEDY: I'd figure I'd just use up the time

01:27PM 3 until we get there.

01:27PM 4 THE COURT: Go ahead. You may play it.

01:27PM 5 MR. KENNEDY: All right.

01:27PM 6 (Recording was played.)

01:28PM 7 MR. KENNEDY: 6-65, I believe that's the -- Counsel,

01:28PM 8 isn't that the number? I missed the -- the start of it when

01:28PM 9 they give the time.

01:28PM 10 (Recording was played.)

01:30PM 11 BY MR. KENNEDY:

01:30PM 12 Q All right. So this call was at 1:41:42 a.m. Did you hear

01:30PM 13 that, sir?

01:30PM 14 A Yes.

01:30PM 15 Q And that the entire club had been cleared out?

01:30PM 16 A Correct.

01:30PM 17 Q And that the manager was making the call?

01:30PM 18 A Yes.

01:30PM 19 Q And that Honolulu Police Department was on its way?

01:30PM 20 A Yes.

01:30PM 21 Q All right. When we get back, I'll ask you some questions

01:30PM 22 about that, okay?

01:30PM 23 A Okay.

01:30PM 24 THE COURT: All right. Thank you for stopping on

01:30PM 25 time. As we go to break for the trial day and, in fact, the

01:30PM 1 trial week, I will remind our jurors to please refrain from  
2 discussing the substance of this case with anyone, including  
3 one another, until I advise you otherwise. I know you're all  
4 headed home some to the neighbor islands so please keep that in  
5 mind. Please also refrain from accessing any media or other  
6 accounts of this case that may be out there; and finally, do  
7 not conduct any independent investigation into the facts,  
01:31PM 8 circumstances or persons involved.

01:31PM 9 Please enjoy the three-day weekend so be mindful of  
01:31PM 10 that. We are not convening on Monday. It is a holiday. We  
01:31PM 11 will resume on Tuesday morning at 8:30. Okay. We'll see you  
01:31PM 12 then.

01:31PM 13 (Proceedings were concluded at 1:31 p.m.)

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1 COURT REPORTER'S CERTIFICATE

2 I, Gloria T. Bediamol, Official Court Reporter, United  
3 States District Court, District of Hawaii, do hereby certify  
4 that pursuant to 28 U.S.C. §753 the foregoing is a complete,  
5 true, and correct transcript from the stenographically reported  
6 proceedings held in the above-entitled matter and that the  
7 transcript page format is in conformance with the regulations  
8 of the Judicial Conference of the United States.

9

10 DATED at Honolulu, Hawaii, May 29, 2024.

11

12

13 /s/ Gloria T. Bediamol

14 GLORIA T. BEDIAMOL.

15 RMR, CRR, FCRR

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